FEDERAL REGISTER

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Washington, Saturday, June 20, 1953

TITLE 3—THE PRESIDENT

PROCLAMATION 3022

DETERMINING ALPHA-ACETYLMETHADOL AND FOUR OTHER DRUGS TO BE OPIATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 3228 (f) of the Internal Revenue Code provides in part as follows:

Opiate. The word "opiate" as used in this part and subchapter A of chapter 23 shall mean any drug (as defined in the Federal Food, Drug and Cosmetic Act) found by the Secretary of the Treasury, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary. * * *

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found that each of the following named drugs has addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

á-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane (alpha-acetylmethadol).

á-6-dimethylamino-4,4-diphenyl-3-heptanol (alpha-methadol).

β-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane (beta-acetylmethadol).

3-Dimethylamino-1,1-di-(2-thienyl)-1-butene.

3-Ethylmethylamino-1,1-di-(2-thienyl)-1-butene.

NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that each of the aforementioned drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of June in the year of our Lord nineteen hundred and fifty-three, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53-5537; Filed, June 18, 1953; 2:21 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 517—FRUITS AND BERRIES, FRESH

[Amdt. 2]

SUBPART—ORANGE EXPORT PAYMENT PROGRAM TMX 135a (FISCAL YEAR 1953)

PRODUCT SPECIFICATIONS

Section 517.379 (e) and (f) are hereby revised to read as follows:

§ 517.379 *Product specifications.* * * *

(e) Frozen concentrated orange juice (packed in metal containers or suitable plastic pouches) shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Orange Juice," effective September 23, 1950.

(f) Frozen concentrated blended grapefruit and orange juice (packed in metal containers or suitable plastic pouches) shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice," effective December 10, 1951.

Effective date. This amendment shall become effective at 12:01 a. m., e. d. t., June 19, 1953.

(Continued on p. 3555)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. Sup. 612c)

Dated this 17th day of June 1953.

S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 53–5512; Filed, June 19, 1953; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS[1]

U. S. STANDARDS FOR GRADES OF CANNED LIMA BEANS

A notice of proposed rule making was published on April 18, 1953, in the FEDERAL REGISTER (18 F. R. 2236) regarding proposed United States Standards for Grades of Canned Lima Beans. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Lima Beans are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.), and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 52.169 *Canned lima beans*—(a) *Identity.* "Canned lima beans" means the canned product properly prepared from the clean, sound, succulent seed of the lima bean plant, as defined in the definitions and standard of identity for canned vegetables (21 CFR Cum. Supp. 52.990, as amended 17 F. R. 8176) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) *Types of canned lima beans.* (1) "Thin-seeded," such as Henderson Bush and Thorogreen varieties;

(2) "Thick-seeded Baby Potato," such as Baby Potato, Baby Fordhook, and Evergreen varieties;

(3) "Thick-seeded," such as Fordhook variety.

(c) *Grades of canned lima beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; that possess a practically clear liquor; that possess a good character; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 90 points: *Provided,* That the canned lima beans may possess a reasonably good character and a fairly clear liquor if the total score is not less than 90 points.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably clear liquor; that possess a reasonably good character; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 80 points: *Provided,* That the canned lima beans may possess a fairly clear liquor if the total score is not less than 80 points.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects; that possess a fairly clear liquor; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of canned lima beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Recommended fill of container.* The recommended fill of container for canned lima beans is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned lima beans be filled as full as practicable with beans without impairment of quality.

(e) *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned lima beans is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage and allow to drain for two minutes. The drained weight is the weight of the sieve and the lima beans less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2 size can (307 x 409) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2 size can.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS (IN OUNCES) OF LIMA BEANS

Container designation	Container size			Drained weight
	Overall diameter (inches)	Overall height (inches)	Overflow capacity (fluid ounces)	
8 Z tall	2 1/16	3 4/16		5 1/2
8 Z jar			8.2	5 1/2
No. 1 (picnic)	2 1/16	4		7
No. 1 tall	3 1/16	4 1/16		10 3/4
No. 300	3	4 7/16		9 3/4
No. 303	3 3/16	4 9/16		11
No. 303 jar			17.0	11
No. 2	3 7/16	4 9/16		13 1/2
No. 10	6 3/16	7		72

(f) *Sizes of lima beans in canned lima beans.* The size of lima beans is not a factor of quality of canned lima beans for the purpose of these grades. The size of a lima bean is determined by measuring the greatest width through the center at right angles to the longitudinal axis of the bean. The designations of the various sizes of lima beans packed as canned beans are shown in Table No. II of this section.

TABLE NO. II—SIZES OF LIMA BEANS IN CANNED LIMA BEANS

Word designation:	*Size of lima beans (inches in width)*
Midget	28/64 inch in width and smaller.
Tiny	Over 28/64 inch to and including 30/64 inch in width.
Small	Over 30/64 inch to and including 34/64 inch in width.
Medium	Over 34/64 inch to and including 38/64 inch in width.
Large	Larger than 38/64 inch in width.

(g) *Ascertaining the grade.* (1) The grade of canned lima beans is ascertained by considering, in conjunction with the other requirements of the respective grade, the respective ratings for the factors of color, clearness of liquor, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factor:	*Points*
(i) Color	35
(ii) Clearness of liquor	10
(iii) Absence of defects	25
(iv) Character	30
Total score	100

(3) "Normal flavor and normal odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(h) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "8 to 10 points" means 8, 9, or 10 points).

(1) *Color.* (i) "Green" with respect to thin-seeded and thick-seeded Baby Potato types means that the color of the individual lima bean possesses as much or more green color than Plate 11, F–2, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(ii) "Green" with respect to thick-seeded types means that the color of the

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Second Edition.

individual lima bean possesses as much or more green color than Plate 12, L–2, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(iii) "White" with respect to thin-seeded and thick-seeded Baby Potato types means that the individual lima bean is lighter in color than Plate 11, C–2, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(iv) "White" with respect to thick-seeded type means that the individual lima bean is lighter in color than Plate 11, L–3, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(v) Canned lima beans that possess a good color may be given a score of 32 to 35 points. "Good color" means that the lima beans, regardless of type, possess a bright typical color and meet the following additional color requirements for the respective types:

(*a*) *Thin-seeded types; Thick-seeded Baby Potato type.* (*1*) Not less than 90 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 10 percent, by count, may be lighter in color: *Provided,* That not more than 1 percent, by count, of all the lima beans are white.

(*2*) Not less than 97 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 3 percent, by count, may be lighter in color or white lima beans.

(*b*) *Thick-seeded type.* Not less than 90 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 10 percent, by count, may be lighter in color: *Provided,* That not more than 3 percent, by count, of all the lima beans are white.

(vi) If the canned lima beans possess a reasonably good color, a score of 29 to 31 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(*a*) *Thin-seeded type; Thick-seeded Baby Potato type.* (*1*) Not less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 50 percent, by count, may be lighter in color: *Provided,* That not more than 25 percent, by count, of all the lima beans are white.

(*b*) *Thick-seeded type.* (*1*) Not less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 50 percent, by count, may be lighter in color: *Provided,* That not more than 25 percent, by count, of all the lima beans are white.

(vii) Canned lima beans that possess a fairly good color may be given a score of 26 to 28 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(*a*) *Thin-seeded type; Thick-seeded Baby Potato type.* (*1*) less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and all of the lima beans may be white.

(*b*) *Thick-seeded type.* (*1*) Less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and all of the lima beans may be white.

(viii) Canned lima beans that are definitely off color or fail to meet the requirements of subdivision (vii) of this subparagraph may be given a score of 0 to 25 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(2) *Clearness of liquor* (i) Canned lima beans that possess a practically clear liquor may be given a score of 9 or 10 points. "Practically clear liquor" means that the liquor may be slightly cloudy and that not more than a small amount of sediment is present.

(ii) If the canned lima beans possess a reasonably clear liquor, a score of 7 or 8 points may be given. "Reasonably clear liquor" means that the liquor may be somewhat cloudy and may contain a considerable amount of sediment.

(iii) Canned lima beans that possess a fairly clear liquor may be given a score of 5 or 6 points. "Fairly clear liquor" means that the liquor may be dull in color but not to the extent that the appearance is seriously affected, and may be rather viscous, cream-like, or starchy.

(iv) Canned lima beans that possess a liquor that is definitely off color for any reason or that contains an excessive amount of sediment may be given a score of 0 to 4 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins, loose cotyledons, broken beans, sprouted beans, and from beans that show light discoloration or that are blemished or seriously blemished.

(*a*) "Extraneous vegetable matter" means pods or pieces of pods, leaves, stems, and other similar vegetable matter.

(*b*) "Broken bean" means a bean from which one-half or more of a cotyledon or the equivalent thereof has become detached; or pieces of cotyledon aggregating the equivalent of an average size whole cotyledon.

(*c*) "Loose cotyledon" means a whole cotyledon which has become separated from the skin.

(*d*) "Loose skin" means a whole skin or portions of skin aggregating the equivalent of an average size whole skin which has become separated from the cotyledons.

(*e*) "Light discoloration" means light discoloration of the hilum or other light discoloration which slightly affects but does not materially affect the appearance of the bean.

(*f*) "Sprouted" means lima beans that show an external shoot protruding beyond the cotyledon or skin.

(*g*) "Blemished" means blemished by discoloration, pathological injury, insect injury, or blemished by other means, other than by light discoloration which is not considered blemished, to such an extent that the aggregate blemished area materially affects the appearance or eating quality of a bean or any detached piece of a bean.

(*h*) "Seriously blemished" means blemished to such an extent that the aggregate blemished area seriously affects the appearance or eating quality of a bean or any detached piece of a bean.

(ii) Canned lima beans that are practically free from defects may be given a score of 22 to 25 points. "Practically free from defects" means that the aforesaid defects, individually or collectively, do not more than slightly affect the appearance or eating quality of the product. The following allowances provide a guide for scoring canned lima beans which are practically free from defects:

For each 10 ounces drained weight of beans there may be present:

1 piece, or pieces, of extraneous vegetable matter having an aggregate area of 3/16 square inch (½" x 3/8") on one surface of the piece, or pieces;
3 percent, by count, of loose skins;
5 percent, by count, of broken beans and loose cotyledons;
1 percent, by count, of sprouted beans; and
2 percent, by count, of blemished and seriously blemished beans, and of such 2 percent, not more than ¼ thereof or ½ of 1 percent, by count, of all the beans may be seriously blemished.

(iii) If the canned lima beans are reasonably free from defects, a score of 20 or 21 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule) "Reasonably free from defects" means that the aforesaid defects, individually or collectively, do not materially affect the appearance or eating quality of the product. The following allowances provide a guide for scoring canned lima beans which are reasonably free from defects:

For each 10 ounces drained weight of beans there may be present:

1 piece, or pieces, of extraneous vegetable matter having an aggregate area of more than 3/16 square inch but not more than 3/8 square inch (½" x ¾") on one surface of the piece, or pieces;
5 percent, by count, of loose skins;
10 percent, by count, of broken beans and loose cotyledons;
4 percent, by count, of sprouted beans; and
3 percent, by count, of blemished and seriously blemished beans, and of such 3 percent, not more than ⅓ thereof or 1 percent, by count, of all the beans may be seriously blemished.

[2] Second Edition.

(iv) Canned lima beans that are fairly free from defects may be given a score of 18 or 19 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the aforesaid defects, individually or collectively, do not seriously affect the appearance or eating quality of the product. The following allowances provide a guide for scoring canned lima beans which are fairly free from defects:

For each 10 ounces drained weight of beans there may be present:

1 piece, or pieces, of extraneous vegetable matter having an aggregate area of more than ⅜ square inch, but not more than ¾ square inch (½" x 1½") on one surface of the piece, or pieces;
8 percent, by count, of loose skins;
15 percent, by count, of broken beans and loose cotyledons;
8 percent, by count, of sprouted beans; and
4 percent, by count, of blemished and seriously blemished beans, and of such 4 percent, not more than ½ thereof or 2 percent, by count, of all the beans may be seriously blemished.

(v) Canned lima beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* (i) The factor of character refers to the tenderness and maturity of the product.

(ii) Canned lima beans that possess a good character may be given a score of 27 to 30 points. "Good character" means that the lima beans are young and tender.

(iii) If the canned lima beans possess a reasonably good character, a score of 24 to 26 points may be given. "Reasonably good character" means that the lima beans are reasonably young and reasonably tender.

(iv) Canned lima beans that possess a fairly good character may be given a score of 21 to 23 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the lima beans may be nearly mature and possess a fairly tender texture, may be firm and mealy but not hard, or may be soft but not mushy.

(v) Canned lima beams that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(i) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned lima beans the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for canned lima beans.*

Size and kind of container			
Container marks or identification			
Label			
Net weight (ounces)			
Vacuum (inches)			
Drained weight (ounces)			
Type			
Size			
Color (Percent green)			
Color (Percent white)			

Factors	Score points		
I. Color	35	(A)	32–35
		(B)	[1] 29–31
		(C)	[1] 26–28
		(SStd.)	[1] 0–25
II. Clearness of liquor	10	(A)	9–10
		(B)	7– 8
		(C)	5– 6
		(SStd.)	[1] 0– 4
III. Absence of defects	25	(A)	22–25
		(B)	[1] 20–21
		(C)	[1] 18–19
		(SStd.)	[1] 0–17
IV. Character	30	(A)	27–30
		(B)	24–26
		(C)	[1] 21–23
		(SStd.)	[1] 0–20
Tota score	100		

Grade	
Normal flavor and odor	

[1] Indicates limiting rule.

(k) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Lima Beans (which are the fifth issue) contained in this section will become effective 30 days after date of publication of these standards in the FEDERAL REGISTER, and shall thereupon supersede the United States Standards for Grades of Canned Lima Beans which have been in effect since May 28, 1951.

(Sec. 205, 60 Stat. 1090, 66 Stat. 348; 7 U. S. C. 1624, 414)

Issued at Washington, D. C., this 17th day of June 1953.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 53-5513; Filed, June 19, 1953; 8:53 a. m.]

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 68—REGULATIONS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

SUBPART F—UNITED STATES STANDARDS FOR DRY PEAS

SUBPART G—UNITED STATES STANDARDS FOR SPLIT PEAS

SUBPART H—UNITED STATES STANDARDS FOR LENTILS

On April 18, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 2238) regarding the proposed revision of the United States Standards for dry peas, split peas, and lentils under the Agricultural Marketing Act of 1946 (60 Stat. 1087, 7 U. S. C. 1621 *et seq.*) and the items for Market Inspection of Farm Products and Marketing Farm Products recurring in the annual appropriation acts for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82nd Congress, 66 Stat. 348; 7 U. S. C., Supp. 414).

After due consideration of all relevant material presented pursuant to the aforesaid notice and under authority conferred by said statutory provisions, the United States Standards for dry peas, split peas, and lentils are hereby revised to appear in 7 CFR, Part 68, as follows:

SUBPART F—UNITED STATES STANDARDS FOR DRY PEAS

Sec.
68.401 Terms defined.
68.402 Principles governing application of standards.
68.403 Grades, grade requirements and designations, and factor determinations and designations.

SUBPART G—UNITED STATES STANDARDS FOR SPLIT PEAS

68.501 Terms defined.
68.502 Principles governing application of standards.
68.403 Grades, grade requirements and designations, and factor determinations and designations.

SUBPART H—UNITED STATES STANDARDS FOR LENTILS

68.601 Terms defined.
68.602 Principles governing application of standards.
68.603 Grades, grade requirements and designations, and factor determinations and designations.

SUBPART F—UNITED STATES STANDARDS FOR DRY PEAS [1]

AUTHORITY: §§ 68.401 to 68.403 issued under sec. 205, 60 Stat. 1090, 66 Stat. 348; 7 U. S. C. 1624, 414.

§ 68.401 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for dry peas:

(a) *Peas.* Peas shall be dry, threshed, field or garden peas.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. (21 U. S. C. 301 et seq.)

(b) *Dockage-free peas.* Dockage-free peas shall be peas from which the dockage has been removed.

(c) *Thresher-run peas.* Thresher-run peas shall be peas from which the dockage has not been removed.

(d) *Classes.*[2] Peas shall be divided into classes according to varietal type (for example, Alaska, First and Best, White Canada, Colorado White, Austrian Winter, Perfection, and Surprise) each of which may contain not more than 2.0 percent of peas of contrasting classes and not more than 15.0 percent of peas of other classes that blend. Any mixture of two or more varietal types of peas with more than 2.0 percent of peas of contrasting classes or more than 15.0 percent of other classes that blend shall be classed as Mixed peas.

(e) *Grades.* Grades shall be the numerical grades, Sample grade, and Special grades provided for in § 68.403.

(f) *Defective peas.* Defective peas shall be weevil-damaged peas, damaged peas, splits, contrasting classes, bleached peas, shriveled peas, and cracked seed coats.

(g) *Weevil-damaged peas.* Weevil-damaged peas shall be peas and splits which are distinctly damaged by pea weevils or other insects.

(h) *Damaged peas.* Damaged peas shall be peas and splits which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged peas.

(i) *Splits.* Splits shall be pieces of peas which are less than three-fourths of a whole pea and peas the halves of which are loosely held together.

(j) *Contrasting classes.* Contrasting classes shall be peas which are of a contrasting color, size, or shape to the peas predominating in the sample.

(k) *Bleached peas.* Bleached peas shall be peas which are distinctly bleached in contrast to the natural color of the class of peas predominating in the sample, but shall not be applicable to wrinkled peas.

(l) *Shriveled peas.* Shriveled peas shall be peas which are distinctly shriveled in contrast to the natural shape and appearance of the class of peas predominating in the sample.

(m) *Cracked seed coats.* Cracked seed coats shall be peas with visibly cracked seed coats or with all or a part of the seed coat removed.

(n) *Classes that blend.* Classes that blend shall be peas which are similar in color, size, and shape to the peas predominating in the sample.

(o) *Wrinkled peas.* Wrinkled peas shall be peas of the wrinkled varieties.

(p) *Good color* Good color shall mean that the peas in mass are practically free from discoloration and have the natural color and appearance characteristic of the class of peas that predominate in the sample.

(q) *Poor color* Poor color shall mean that the peas in mass are distinctly off color due to age or any other cause.

[2] The use of a variety name in the designation of the class of peas does not imply any guarantee of varietal purity.

(r) *Dockage.* Dockage shall apply only to thresher-run peas and shall be small underdeveloped peas and pieces of peas and all matter other than peas which can be removed readily by the use of appropriate sieves and cleaning devices which result in the smallest loss of marketable peas.

(s) *Foreign material*—(1) *Dockage-free peas.* Foreign material in dockage-free peas shall be matter other than peas.

(2) *Thresher-run peas.* Foreign material in thresher-run peas shall be all matter other than peas which cannot be removed readily from the peas in the proper determination of dockage.

(t) *16/64 sieve.* A 16/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.25 (16/64) inch in diameter.

(u) *15/64 sieve.* A 15/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.2344 (15/64) inch in diameter.

(v) *11/64 by 3/4 sieve.* A 11/64 by 3/4 sieve shall be a metal sieve 0.032 inch thick with slotted perforations measuring 0.1719 by 0.75 (11/64 by 3/4) inch.

(w) *10/64 by 3/4 sieve.* A 10/64 by 3/4 sieve shall be a metal sieve 0.032 inch thick with slotted perforations measuring 0.1562 by 0.75 (10/64 by 3/4) inch.

§ 68.402 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of dockage-free peas and the factor determinations of thresher-run peas:

(a) *Basis of determinations*—(1) *Dockage-free peas.* All determinations shall be made upon the basis of the dockage-free peas as a whole, except that color shall be determined after the removal of the defective peas and foreign material.

(2) *Thresher-run peas.* The determination of dockage shall be made upon the basis of the thresher-run peas as a whole. All other determinations shall be made upon the basis of the peas after the removal of dockage, except that color shall be determined after the removal of defective peas and foreign material.

(b) *Percentages.* All percentages shall be determined on the basis of weight. The percentages of moisture shall be expressed in terms of whole and half percents, and a fraction of a half percent shall be disregarded. All other percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air oven and the method of use thereof prescribed by the United States Department of Agriculture or ascertained by the use of any method which gives equivalent results.

§ 68.403 *Grades, grade requirements and designations, and factor determinations and designations.* The following grades, grade requirements and designations, and factor determinations and designations are applicable under these standards:

(a) *Grades and grade requirements for dockage-free peas (see also paragraph (c) of this section)*

Grade	Maximum limits of—								
	Bleached peas and contrasting classes		Classes that blend [4]	Shriveled peas	Cracked seed coats	Splits	Damaged peas	Weevil-damaged peas	Foreign material
	Total	Contrasting classes [4]							
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U. S. No. 1 [1] [2]	1.5	0.5	5.0	2.0	3.0	1.0	1.0	0.5	0.1
U. S. No. 2 [1]	3.0	1.0	10.0	4.0	6.0	1.5	1.5	1.0	.2
U. S. No. 3 [1] [3]	5.0	2.0	15.0	8.0	10.0	2.0	2.0	1.5	.5
U. S. Sample Grade	Peas which do not meet the requirements of any of the numerical grades; or which contain more than 16 percent of moisture; or which have any commercially objectionable odor; or which are heating; or which contain live weevils or other insects; or which are otherwise of distinctly low quality.								

[1] Size requirements: Peas of any of the numerical grades shall be such size that not more than 3.0 percent of the peas will pass readily through a sieve with slotted perforations of the dimensions generally used in the determination of dockage on thresher-run peas of the respective classes.
[2] Peas in grade U. S. No. 1 shall be of good color.
[3] Peas which are of poor color shall not be graded higher than U. S. No. 3.
[4] These limits do not apply to the class Mixed peas.

(b) *Grade designations.* The grade designation for all classes of peas shall include, in the order named, the letters "U. S." the number of the grade or the words "Sample grade," as the case may be; the name of each applicable special grade; and the name of the class. In the case of the class Mixed peas the name and approximate percentage of each class of peas contained in the mixture shall be shown following the words "Mixed peas."

(c) *Special grades, special grade requirements and special grade designations for dockage-free peas*—(1) *Large peas*—(i) *Requirements.* Large peas shall be peas of the classes Alaska, First and Best, and White Canada, of which not more than 3 percent of the peas will pass readily through the following sieves for the respective classes:

Alaska	16/64 sieve.
First and Best	16/64 sieve.
White Canada	15/64 sieve.

(ii) *Grade designation.* Large peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such dry peas, and there shall be added to and made a part of the grade designation the word "Large."

(2) *Small peas*—(i) *Requirements.* Small peas shall be peas of the classes Alaska, First and Best, and White Canada, of which not more than 3 percent of the peas will remain on the sieve

prescribed for determining the minimum size for large peas and not more than 3 percent will pass readily through the following sieves for the respective classes:

Alaska	11/64 by 3/4 sieve.
First and Best	11/64 by 3/4 sieve.
White Canada	10/64 by 3/4 sieve.

(ii) *Grade designation.* Small peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such dry peas, and there shall be added to and made a part of the grade designation the word "Small."

(d) *Factor determinations and designations for thresher-run peas*—(1) *Factor determinations.* Thresher-run peas shall be inspected without reference to grade. The factors to be determined shall be the class, dockage, defective peas, foreign material, and color description. Defective peas which are defective for more than one reason shall be included within only one specific type of defective peas and shall be determined in the following order: Weevil-damaged peas, damaged peas, splits, contrasting classes, bleached peas, shriveled peas, and cracked seed coats.

(2) *Factor designation.* The factor designation for all classes of thresher-run peas shall include the name of the class; the percentage of dockage and the type of sieve used in making the determination; the percentage each of weevil-damaged peas, damaged peas, splits, contrasting classes, bleached peas, shriveled peas, cracked seed coats, foreign material, and the total thereof; and the color description, when not of good color. In thresher-run peas of the classes Alaska, First and Best, and other smooth seed variaties the percentage of cracked seed coats in excess of 3.0 percent only shall be included in the total defective peas.

SUBPART G—UNITED STATES STANDARDS FOR SPLIT PEAS [1]

AUTHORITY: §§ 68.501 to 68.503 issued under sec. 205, 60 Stat. 1090, 66 Stat. 348; 7 U. S. C. 1624, 414.

§ 68.501 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for split peas:

(a) *Split peas.* Split peas shall be dry, threshed, field or garden peas which have been split into halves or smaller pieces.

(b) *Classes.* Split peas shall be divided into the following classes:

(1) *Green split peas.* Green split peas shall be split peas which are distinctly green in color.

(2) *Yellow split peas.* Yellow split peas shall be split peas which are distinctly yellow in color.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.503.

(d) *Defective split peas.* Defective split peas shall be weevil-damaged split peas, damaged split peas, white caps, whole peas, bleached split peas, and split peas of another class.

(e) *Weevil-damaged split peas.* Weevil-damaged split peas shall be split peas and whole peas which are distinctly damaged by pea weevils or other insects.

(f) *Damaged split peas.* Damaged split peas shall be split peas and whole peas which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged split peas.

(g) *White caps.* White caps shall be split peas from which the seed coats have not been removed .

(h) *Whole peas.* Whole peas shall be dry, field or garden peas which are not split.

(i) *Bleached split peas.* Bleached split peas shall be split peas which are distinctly bleached in contrast to the natural green or yellow color.

(j) *Foreign material.* Foreign material shall be all matter which will pass readily through a 2½/64 sieve and all matter other than split peas and whole peas which remains on such sieve.

(k) *Good color.* Good color shall mean that the split peas in mass are practically free from discoloration and have the natural color and appearance characteristic of the class of split peas that predominate in the sample.

(l) *Poor color.* Poor color shall mean that the split peas in mass are distinctly off color due to age or any other cause.

(m) *12/64 sieve.* A 12/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.1875 (12/64) inch in diameter.

(n) *10/64 sieve.* A 10/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.1562 (10/64) inch in diameter.

(o) *8/64 sieve.* An 8/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.125 (8/64) inch in diameter.

(p) *6/64 sieve.* A 6/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.0937 (6/64) inch in diameter.

(q) *2½/64 sieve.* A 2½/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.0391 (2½/64) inch in diameter.

§ 68.502 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of split peas:

(a) *Basis of determinations.* All determinations shall be made upon the basis of the split peas as a whole.

(b) *Percentages.* All percentages shall be determined on the basis of weight. The percentage of moisture shall be expressed in terms of whole and half percents, and a fraction of a half percent shall be disregarded. All other percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air oven and the method of use thereof prescribed by the United States Department of Agriculture or ascertained by any method which gives equivalent results.

§ 68.503 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for split peas (see also paragraph (c) of this section).*

Grade	Maximum quantity passing through			Maximum limits of—						
	10/64 sieve	8/64 sieve	6/64 sieve	Bleached split peas and split peas of another class: Total	Bleached split peas and split peas of another class: Split peas of another class	White caps	Whole peas	Damaged split peas	Weevil-damaged split peas	Foreign material
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U. S. No. 1 [1]	3.0	0.5	0.1	1.5	0.5	1.0	0.5	1.0	0.5	0.1
U. S. No. 2	15.0	3.0	.2	3.0	1.0	2.0	1.0	1.5	1.0	.2
U. S. No. 3 [2]	25.0	5.0	.3	5.0	2.0	3.0	2.0	2.0	1.5	.5
U. S. Sample Grade	Split peas which do not meet the requirements of any of the numerical grades; or which have any commercially objectionable odor; or which contain more than 16 percent moisture; or which are heating; or which contain live or dead weevils or other insects, insect webbing, or insect refuse; or which are otherwise of distinctly low quality.									

[1] Split peas in grade U. S. No. 1 shall be of good color.
[2] Split peas which are of poor color shall not be graded higher than U. S. No. 3.

(b) *Grade designations.* The grade designation of split peas shall include, in the order named, the letters "U. S."; the number of the grade or the words "Sample grade", as the case may be; the name of the class; and the name of each applicable special grade.

(c) *Special grades, special grade requirements, and special grade designations for split peas*—(1) *Austrian Winter split peas*—(i) *Requirements.* Austrian Winter split peas shall be split peas made from peas of the Austrian Winter variety.

(ii) *Grade designation.* Austrian Winter split peas shall be graded and designated according to the grade requirements of the standards otherwise applicable to such split peas, and there shall be added to and made a part of the grade designation the words "Austrian Winter."

(2) *Split pea chips*—(i) *Requirements.* Split pea chips shall be split peas all of which will pass readily through a 12/64 sieve. The size requirements for the respective numerical grades shall be as follows:

U. S. No. 1—not more than 3.0 percent shall pass readily through a 6/64 sieve;

U. S. No. 2—not more than 6.0 percent shall pass readily through a 6/64 sieve;

U. S. No. 3—not more than 10.0 percent shall pass readily through a 6/64 sieve.

(ii) *Grade designation.* Split pea chips shall be graded and designated according to the grade requirements of the standards otherwise applicable to such split peas, except for size, and there shall be added to and made a part of the grade designation the word "Chips."

[1] See footnote 1, p. 3557.

SUBPART H—UNITED STATES STANDARDS FOR LENTILS [1]

AUTHORITY: §§ 68.601 to 68.603 issued under sec. 205, 60 Stat. 1090, 66 Stat. 348; 7 U. S. C. 1624, 414.

§ 68.601 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for lentils:

(a) *Lentils.* Lentils shall be dry, threshed seeds of the lentil plant.

(b) *Dockage-free lentils.* Dockage-free lentils shall be lentils from which the dockage has been removed.

(c) *Thresher-run lentils.* Thresher-run lentils shall be lentils from which the dockage has not been removed.

(d) *Classes.* Lentils shall be divided into the following classes, each of which except mixed lentils may contain not more than 2.0 percent of lentils of another class:

(1) *Lentils.* Lentils shall be all lentils of the Chilean type.

(2) *Persian lentils.* Persian lentils shall be all lentils of the Persian type.

(3) *Mixed lentils.* Mixed lentils shall be any mixture of lentils of the classes lentils or Persian lentils.

(e) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.603.

(f) *Defective lentils.* Defective lentils shall be weevil-damaged lentils, damaged lentils, and splits.

(g) *Weevil-damaged lentils.* Weevil-damaged lentils shall be lentils and pieces of lentils which are damaged by weevils or other insects.

(h) *Damaged lentils.* Damaged lentils shall be lentils and pieces of lentils which are damaged by frost, weather, disease, or other causes, but shall not include weevil-damaged lentils.

(i) *Splits.* Splits shall be pieces of lentils which are less than three-fourths of a whole lentil, and lentils the halves of which are loosely held together, but shall not include weevil-damaged lentils and damaged lentils.

(j) *Dockage.* Dockage shall apply only to thresher-run lentils and shall be all small underdeveloped lentils and splits which can be removed readily by the use of appropriate sieves and cleaning devices which result in the smallest loss of marketable lentils.

(k) *Foreign material*—(1) *Dockage-free lentils.* Foreign material in dockage-free lentils shall be all matter other than lentils.

(2) *Thresher-run lentils.* Foreign material in thresher-run lentils shall be all matter other than lentils which cannot be removed readily from the lentils in the proper determination of dockage.

(l) *Stones.* Stones shall be foreign material which consists of rocks, stones, pebbles, shale, other concreted earthy or mineral matter, and other substances of similar hardness that do not disintegrate readily in water.

(m) *15/64 sieve.* A 15/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.2344 (15/64) inch in diameter.

(n) *12/64 sieve.* A 12/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.1875 (12/64) inch in diameter.

(o) *9/64 sieve.* A 9/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.1406 (9/64) inch in diameter.

(p) *Good color* Good color shall mean that the lentils in mass are practically free from discoloration and have the natural color and appearance characteristic of the class of lentils that predominate in the sample.

§ 68.602 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades for dockage-free lentils and the factor determinations of thresher-run lentils.

(a) *Basis of determinations*—(1) *Dockage-free lentils.* All determinations shall be made on the basis of the sample as a whole.

(2) *Thresher-run lentils.* The determination of dockage shall be made on the basis of the sample as a whole. All other determinations shall be made on the basis of the lentils after the removal of dockage, except that color shall be determined after the removal of dockage, defective lentils, and foreign material.

(b) *Percentages.* All percentages shall be determined on the basis of weight. The percentages of moisture shall be expressed in terms of whole and half percents, and a fraction of a half percent shall be disregarded. All other percentages shall be expressed in terms of whole percents and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air oven and the method of use thereof prescribed by the United States Department of Agriculture or ascertained by the use of any method which gives equivalent results.

§ 68.603 *Grades, grade requirements and designations, and factor determinations and designations.* The following grades, grade requirements and designations, and factor determinations and designations are applicable under these standards:

(a) *Grades and grade requirements for lentils (see also paragraph (c) of this section)*

Grade	Maximum limits of—			
	Defective lentils		Foreign material	
	Total	Weevil-damaged lentils	Total	Stones
	Percent	*Percent*	*Percent*	*Percent*
U. S. No. 1 [1]	2.0	0.5	0.2	0.1
U. S. No. 2	3.5	1.0	.5	.2
U. S. Sample Grade.	Lentils which do not meet the requirements of either of the numerical grades; or which are heating; or which contain live weevils or other insects; or which are materially weathered; or which have any commercially objectionable odor; or which contain more than 15 percent of moisture; or which are otherwise of distinctly low quality.			

[1] The lentils in U. S. Grade No. 1 shall be of good color.

(b) *Grade designations.* The grade designation for all classes of lentils shall include, in the order named, the letters "U. S."; the number of the grade or the words "Sample grade", as the case may be; the name of any applicable special grade; and the name of the class. In the case of the class Mixed lentils, the name and approximate percentage of each class in the mixture shall be shown following the words "Mixed lentils."

(c) *Special grades, special grade requirements, and special grade designations for lentils*—(1) *Large lentils*—(i) *Requirements.* Large lentils shall be lentils, except Persian lentils and mixed lentils, of which not more than 3 percent will pass readily through a 15/64 sieve.

(ii) *Grade designation.* Large lentils shall be graded and designated according to the grade requirements of the standards otherwise applicable to such lentils, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Large."

(2) *Small lentils*—(i) *Requirements.* Small lentils shall be lentils, except Persian lentils and mixed lentils, 95 percent or more of which will pass readily through a 15/64 sieve, not less than 80 percent of which will pass readily through a 12/64 sieve, and not more than 3 percent of which will pass readily through a 9/64 sieve.

(ii) *Grade designation.* Small lentils shall be graded and designated according to the grade requirements of the standards otherwise applicable to such lentils, and there shall be added to and made a part of the grade designation preceding the name of the class the word "Small."

(d) *Factor determinations and designations for thresher-run lentils*—(1) *Factor determination.* Thresher-run lentils shall be inspected without reference to grade, and the following factors shall be determined: The class, dockage, weevil-damaged lentils, damaged lentils, splits, foreign material, and color description.

(2) *Factor designation.* The factor designation for all classes of thresher-run lentils shall include the name of the class; the percentage of dockage and the type of sieve used in making the determination; the percentage each of weevil-damaged lentils, damaged lentils, splits, and foreign material, and the total thereof; and the color description, when not of good color.

The foregoing standards shall become effective August 1, 1953, and shall thereupon supersede the United States Standards for dry peas, split peas, and lentils previously in effect.

Done at Washington, D. C., this 16th day of June 1953.

[SEAL] ROY W LENNARTSON,
Assistant Administrator

[F. R. Doc. 53-5480; Filed, June 19, 1953; 8:46 a. m.]

[1] See footnote 1, p. 3557.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg 490]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953 597 *Lemon Regulation 490*—(a) *Findings* (1) Pursuant to the marketing agreement, as amended, and Order No 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U S C 601 et seq), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled as provided in this section will tend to effectuate the declared policy of the act

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat 237; 5 U S C 1001 et seq) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 17, 1953 such meeting was held after giving due notice thereof to consider recommendations for regulation and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a m, P s t, June 21 1953, and ending at 12:01 a m, P. s. t June 28, 1953 is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 725 carloads;

(iii) District 3: Unlimited movement

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 489 (18 F R 3379) and made a part of this section by this reference

(3) As used in this section "handled" "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order

(Sec 5, 49 Stat 753, as amended; 7 U S C and Sup 608c)

Done at Washington, D C, this 18th day of June 1953

[SEAL] M W BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration

[F R Doc 53-5541; Filed, June 19, 1953; 8:46 a m]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt 58]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608 24, the Manhattan, Kansas, area, published on July 16, 1949, in 14 F R 4291, is revised as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
MANHATTAN (D-197) (Salina Chart)	Beginning at lat. 39°13 00″ N., long 96°49'42″ W.; due E to long. 96°42'55″ W.; SSE. to lat. 39°11'35′ N., long. 96°42'26″ W.; easterly to lat 39°11'27″ N , long 96°40'55 'W.; due S, to lat. 39°-10'54″ N ; WSW. to lat. 39°10'35 ' N, long. 96°43'00″ W.; due S, to lat. 39°06'29″ N.; SW. to lat. 39°01'24″ N., long. 96°47 39″ W.; due N. to lat 39 07'54″ N.; due W to long. 96°49'42″ W.; due N to lat 39°13 00″ N., long. 96° 49 42″ W point of beginning	Surface to 8 000 feet MSL	Continuous	Headquarters Fort Riley, Kans

2. In § 608 49, the Newell, South Dakota, area (D-188), published on July 16, 1949 in 14 F. R 4295, is deleted

3 In § 608.51 the Five Points, Texas, area (D-214), published on July 16, 1949, in 14 F. R. 4296, is deleted

4 In § 608 58 a Guernsey Wyoming temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
GUERNSEY (D-413) (Casper Chart)	Beginning at lat. 42°2 0′ N , long 104°4 ,' W.; due N. to long 104°26'00″ W.; SE. to lat. 42 29'00″ N , long 104°44'00″ W.; due S to lat 42°1' 00′ N.; due W. to long 104°5 5′ W ; NNW to lat. 42°22 0′ N., long. 104°1 5″ W ; northerly to lat. 42°25'00′ N., long. 104°04 00″ W point of beginning	Surface to 16 000 ft MSL	Daily, sunrise to sunset, from June 21, 1953, through June 27 1953	Wyoming National Guard

5 In § 608 62, a Kaula Rock, Territory of Hawaii area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
KAULA ROCK (D-441) (WAC 599)	A circular area with a radius of 3 nautical miles centered at lat 21°39'30″ N , long 160°33 39″ W	Surface to 3 000 ft MSL	Continuous	Commander, Fleet Air, Hawaii

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 21, 1953.

[SEAL] F B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-5515; Filed, June 19, 1953; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5835]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TUNGSTEN CONTACT MANUFACTURING CO. ET AL.

Subpart—*Appropriating trade name or mark wrongfully:* § 3.295 *Appropriating trade name or mark wrongfully*—Product; Subpart—*Furnishing means and instrumentalities of misrepresentation or deception.* § 3.1055 *Furnishing means and instrumentalities of misrepresentation or deception;* Subpart—*Misbranding or mislabeling:* § 3.1325 *Source or origin*—Maker or seller; Subpart—*Misrepresenting oneself and goods*—Goods: § 3.1745 *Source or origin*—Maker· Subpart—*Simulating competitor or another or product thereof·* § 3.2220 *Name, containers or dress of competitor's or another's products;* § 3.2240 *Trade name of competitor* In connection with the sale and distribution of automotive ignition parts in commerce, and on the part of respondents Harry Augen, an individual doing business as Graphited Lubricants Company· Livingston Automotive Supply Company, Inc., a corporation, and Charles E. Kerpen, individually and as an officer of said corporation; Alexander Levenson, an individual; and their officers, representatives, etc., (1) offering for sale, selling or delivering to others for sale to the public any automotive ignition contact points or parts thereof which are marked with the trademark of or packaged in containers simulating those used by the General Motors Corporation, The Electric Auto-Lite Company, or the Ford Motor Company, when such ignition contact points or parts thereof have not been made by or for the said General Motors Corporation, The Electric Auto-Lite Company, or Ford Motor Company; (2) representing, directly or by implication, that automotive ignition contact points or parts thereof, not made by or for the General Motors Corporation, The Electric Auto-Lite Company, or the Ford Motor Company, were made by or for such manufacturers; or, (3) aiding and abetting any corporation, individual, or firm in the transportation, sale and distribution of counterfeit automotive ignition contact points or parts thereof; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Harry Augen d. b. a. Graphited Lubricants Co. et al., Brooklyn, N. Y., (Tungsten Contact Mfg. Co.), Docket 5835, March 26, 1953]

In the Matter of Tungsten Contact Manufacturing Company, and Union Electrical Parts Company, Inc., Corporations, and Orville C. Hollopeter Jenny V Hayes, and Saul H. Lippman, Individually, and as Officers of Said Corporation, Harry Augen, Lillian Augen, and Irwin Schneeberger Individuals, Doing Business as Graphited Lubricants Company; Livingston Automotive Supply Company, Inc., a Corporation, and Charles E. Kerpen and Sylvia Kerpen, Individually and as Officers of Said Corporation, Herman D. Stein, and Myna S. Stein, Individuals, Doing Business as Crown Automotive Manufacturing Company; Jack Weiss, an Individual Doing Business as Bergen Auto Supply Company; Charles DePerty, an Individual Doing Business as DePerty's Ford Parts; Alexander Levenson, an Individual, Bernard Hirsch, and Lester Hirsch, Co-Partners Doing Business as General Wholesale Auto Supply; Seymour Gair an Individual, Doing Business as Gair & Company; Scott Adams Company, a Corporation, and Alvin Sampson, Mandel Rubin, and Walter Jeschke, Individually, and as Officers of Said Corporation; Louis Feldman, and Perry Feldman, Co-Partners, Doing Business as L. Feldman and Company; Bell Auto Supply Company, a Corporation, and Tom Brown, Individually, and as an Officer of said Corporation, Harry A. Spatz, an Individual, Berk's Auto Ignition Company, a Corporation; Raymond Miller, an Individual Doing Business as Missouri Manufacturers Sales Company; Israel A. Kosovitz, an Individual, General Accessories & Supply Company, a Corporation, and Ben Recht, and Henry Lacks, Individually, and as Officers of Said Corporation, Matt Millard, an Individual Doing Business as Millard Supply Company; Mendenhall Motors, a Corporation, Maurice R. McGinnity, and H. J. Spath, Co-Partners, Doing Business as Auto Electric Service Company; Harry Friedman, an Individual, Doing Business as Penn Autoware Sales; Martin O. Krupnick, an Individual; Alfred Gliksman, Inc., a Corporation, and Alfred Gliksman, and Otilia Gliksman, Individually and as Officers of Said Corporation, and Irving Gilbert, an Individual, Doing Business as Acme Products Company

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, respondents' answers, and hearings at which testimony and other evidence in support of the allegations of the complaint were introduced before said examiner, theretofore duly designated by the Commission.

Following the resting of his case by counsel supporting the complaint and the presentation of motions by various respondents to dismiss the proceeding as to them, said examiner, on September 27, 1951, filed an initial decision which dismissed the complaint without prejudice as to certain respondents—including Tungsten Contact Manufacturing Company and Union Electrical Parts Company, Inc., certain individuals joined as such and as officers of said corporations, and others—and which, on appeal, was confirmed by order of the Commission dated February 14, 1952.

Subsequently, following further hearings at the request of certain respondents and the presentation of testimony and other evidence in opposition to the allegations of the complaint, motions to dismiss on behalf of certain respondents, and the resting of its case by the last of the respondents to present testimony, the proceeding regularly came on for final consideration by said examiner upon the complaint, answers thereto, testimony and other evidence, motions to dismiss, and proposed findings as to the facts and conclusions presented by counsel, oral argument thereon not having been requested; and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, conclusions drawn therefrom, and order to cease and desist as to certain respondents and order of dismissal as to certain other respondents.

Thereafter, following respondents' appeal from said initial decision, the matter was disposed of by the Commission's "Order denying appeals from initial decision of hearing examiner, and decision of the Commission and order to file report of compliance", dated March 26, 1953, as follows:

This matter came on to be heard by the Commission upon the appeal of respondent Harry Augen, an individual doing business as Graphited Lubricants Company, and the appeal of respondents Livingston Automotive Supply Company, Inc., a corporation, and Charles E. Kerpen, individually and as an officer of said corporation, from the initial decision of the hearing examiner herein, and upon briefs and oral argument of counsel in support of and in opposition to said appeals.

The complaint herein charges a number of respondents with unfair methods of competition and unfair and deceptive acts and practices in connection with the sale and distribution of ignition parts for automobiles. The hearing examiner in his initial decision found that the allegations of the complaint are sustained only as to the respondents who have appealed as aforesaid and one other respondent, who did not appeal from said decision.

Respondent Harry Augen in his appeal and respondents Livingston Automotive Supply Company, Inc., and Charles E. Kerpen in their appeal contend that the hearing examiner's findings as to their acts and practices in connection with the sale and distribution of ignition contact points are not sustained by the evidence in the record. The Commission rejects these contentions. With respect to Harry Augen, there is testimony that he purchased ignition contact points which bore no trade-mark. He sold ignition contact points which were stamped with

the trade-marks of well-known manufacturers, and represented that such points were manufactured by or for such well-known manufacturers. The points so stamped and so represented were not manufactured by or for such well-known manufacturers. With respect to respondents Livingston Automotive Supply Company, Inc., and Charles E. Kerpen, there is testimony that Kerpen as controlling officer of the corporate respondent sold a quantity of ignition contact points which the purchasers said were represented as being points manufactured by or for well-known manufacturers, but which were in fact counterfeit. There is also evidence that respondent Kerpen knew that such points were counterfeit. The Commission is of the opinion that the hearing examiner's findings and conclusion as to these respondents are fully supported by and in accordance with the greater weight of the evidence in the record.

The Commission having duly considered the said appeals, the briefs and oral argument of counsel, and the record herein, and being of the opinion that the appeals are without merit and that the hearing examiner's initial decision is appropriate in all respects to dispose of this proceeding:

It is ordered, That the said appeals from the hearing examiner's initial decision be, and they hereby are, denied.

It is further ordered, That the initial decision of the hearing examiner, a copy of which is attached hereto, shall, on the 26th day of March, 1953, become the decision of the Commission.

It is further ordered, That the respondents Harry Augen, Livingston Automotive Supply Company, Inc., Charles E. Kerpen, and Alexander Levenson shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondents Harry Augen, an individual doing business as Graphited Lubricants Company; Livingston Automotive Supply Company, Inc., a corporation, and Charles E. Kerpen, individually and as an officer of said corporation; Alexander Levenson, an individual; and their officers, representatives, agents and employees, directly or through any corporate or other device in connection with the sale and distribution of automotive ignition parts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or delivering to others for sale to the public any automotive ignition contact points or parts thereof which are marked with the trade-mark of or packaged in containers simulating those used by the General Motors Corporation, The Electric Auto-Lite Company, or the Ford Motor Company, when such ignition contact points or parts thereof have not been made by or for the said General Motors Corporation, The Electric Auto-Lite Company, or Ford Motor Company;

2. Representing, directly or by implication, that automotive ignition contact points or parts thereof, not made by or for the General Motors Corporation, The Electric Auto-Lite Company, or the Ford Motor Company, were made by or for such manufacturers;

3. Aiding and abetting any corporation, individual, or firm in the transportation, sale and distribution of counterfeit automotive ignition contact points or parts thereof.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed with respect to respondents Lillian Augen, Irwin Schneeberger, Sylvia Kerpen, and Charles DePerty, individuals; Bernard Hirsch and Lester Hirsch, individuals and co-partners doing business as General Wholesale Auto Supply; Harry A. Spatz, an individual; Berk's Auto Ignition Company, a corporation; Raymond Miller, an individual; Matt Millard, an individual doing business as a partner in the firm of Millard Supply Company; Harry Friedman, an individual doing business as Penn Autoware Sales; and Martin O. Krupnick and Irving Gilbert, individuals.

Issued: March 26, 1953.

By the Commission, Commissioner Mason not participating.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-5569; Filed, June 19, 1953; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 52]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

LICENSING OF RICE EXPORTS TO CUBA

Section 373.18 *Rice,* paragraph (a) *Licensing of exports to Cuba,* is amended by the addition of a new subparagraph (3) to read as follows:

(3) *Alternative interim procedure for exports to Cuba.* (i) Applications for export of rice to Cuba filed during the period June 18 through June 30, 1953, will be considered when accompanied by a true copy of an irrevocable letter of credit or copy of a domestic bank's advice of an irrevocable letter of credit opened for the account of the purchaser or ultimate consignee, which must show that the original document was officially signed by the issuing or advising bank; and must contain a certification signed by the applicant showing the amount of the unused balance of the letter of credit. In addition, the number of the import license issued by the Government of Cuba covering the quantity of rice applied for must be shown on the license application.

(ii) Any licenses issued under this alternative procedure will expire on June 30, 1953. Shipments against licenses issued pursuant to this alternative procedure will not be credited to the exporter under the provisions of subparagraph (2) of this paragraph relating to additional licenses.

This amendment shall become effective as of June 18, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1949, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY, *Director Office of International Trade.*

[F. R. Doc. 53-5595; Filed, June 18, 1953; 1:59 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 111; T. D. 6020]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PAYMENTS TO BENEFICIARIES OF DECEASED EMPLOYEES AND JOINT AND SURVIVOR ANNUITIES

On November 14, 1952, notice of proposed rule making with respect to amendments to conform Regulations 111 to section 302 of the Revenue Act of 1951 (Pub. Law 183, 82d Congress) approved October 20, 1951, relating to the exclusion from gross income of certain death benefits paid by employers to beneficiaries of deceased employees, and section 303 thereof, relating to the taxability of amounts received by a surviving annuitant under a joint and survivor annuity, was published in the FEDERAL REGISTER (17 F. R. 10411) After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (b) (1)–1 the following:

SEC. 302. PAYMENTS TO BENEFICIARIES OF DECEASED EMPLOYEES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 22 (b) (1).* Section 22 (b) (1) (relating to exclusion of life insurance proceeds from gross income) is hereby amended to read as follows:

(1) *Life insurance, etc.—Amounts received—*

(A) Under a life insurance contract, paid by reason of the death of the insured; or

(B) Under a contract of an employer providing for the payment of such amounts to the beneficiaries of an employee, paid by reason of the death of the employee;

whether in a single sum or otherwise (but if such amounts are held by the insurer, or the employer, under an agreement to pay interest thereon, the interest payments shall be included in gross income). The aggregate of the amounts excludible under subparagraph (B) by all the beneficiaries of the employee under all such contracts of any one employer may not exceed $5,000.

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1950.

PAR. 2. Immediately following § 29.22 (b) (1)–1, as amended by Treasury Decision 5515, approved May 16, 1946, there is inserted the following new section which represents the basic provisions of regulations regarding the interpretation of section 302 of the Revenue Act of 1951.

§ 29.22 (b) (1)–2 *Death payment by employer · amounts paid by reason of the death of an employee.* Amounts, not in excess of $5,000, paid by an employer in pursuance of an express contract, to the estate or to a beneficiary (individual, partnership, trust, or corporation) of an employee, including a former employee, by reason of the employee's death shall be excluded from the gross income of such beneficiary if received during a taxable year beginning after December 31, 1950. Where such death payments are made by more than one employer, including former employers of the decedent, a $5,000 exclusion applies separately to amounts receivable from each employer or former employer of the decedent. Where the aggregate payments by an employer, under an express contract, to the beneficiaries of the deceased employee exceed $5,000, the $5,000 exclusion shall be proportioned among the beneficiaries in the same proportion as the amount payable to or received by each under such contract bears to the total death payment the employer is contractually obligated to make. It is immaterial whether the proceeds are received in a single sum or otherwise. If, however, the proceeds are held by an employer under an agreement to pay interest thereon, the interest payment must be included in gross income.

Example (1). The M Corporation, the employer of A, who died on November 30, 1950, was liable under an express contract to pay a death payment of $15,000 to the beneficiaries of A, to be distributed as follows: $5,000 to the widow of A; $2,500 each to the parents of A; and $1,000 each to the five children of A. Each of the beneficiaries of A, except his widow, received such payment in a lump sum in January 1951. The widow of A elected to receive her share of the death payment in monthly installments of $100 beginning with the month of January 1951. All of the beneficiaries filed income tax returns on a calendar year basis. Apportioning the $5,000 exclusion in the same proportions as the total death payments the employer is contractually obligated to make, the widow of A shall exclude $1,666.67 of the monthly payments made to her (one-third of $5,000); each of A's parents shall exclude $833.33 of his or her death payment (one-sixth of $5,000); and each of the five children shall exclude $333.33 (one-fifteenth of $5,000). In the case of the widow, $1,200 of her monthly payments shall be excluded from her income tax return for the year 1951 and the balance of $466.67 from her return for the year 1952.

Example (2). H died on July 1, 1951. At the time of his death he was employed by the A Corporation, which was liable under an express contract to pay a death payment of $2,500 to W, his widow. The B Corporation, a former employer of H, was also liable under an express contract to pay a death payment of $5,000 to W. The $7,500 receivable by W from the A and B Corporations is excludable from her gross income.

Where a payment is made on account of the death of an employee by a welfare fund or a trust, including a pension trust exempt under section 165 (a), in pursuance of an agreement entered into by an employer of the deceased employee, the payment shall be considered to have been made by the employer for the purpose of this section. Any part of a death payment which is attributable to the contributions of the employee shall be disregarded in determining the amount paid by an employer.

An express contract requiring payment by an employer to the beneficiaries of a deceased employee by reason of the latter's death shall be deemed to exist only if (1) the employer and employee had entered into a written contract, not revoked before the employee's death, which required such payment or (2) the employer had an established plan (or program having the effect of a plan) making provision for such payments in the case of his employees generally, or for a class or classes of his employees. In the latter case, the contract will be deemed to exist between the employer and the members of the class or classes of employees to whom the plan applies, provided such plan had been communicated to such employees and had not been rescinded prior to the death of the employee to whom the particular death payment relates. Communication of an employer's plan or program to his employees may be made in different ways, such as by publicizing or distributing to the employees concerned notice of the resolution approved by the board of directors which created the plan, or by distributing to the employees a booklet containing an explanation of the plan and the rights of their beneficiaries thereunder.

The exclusion from gross income provided by this section is limited solely to those amounts paid by or on behalf of an employer which, by the terms of the contract with the employee or by the provisions of the plan providing for such payments, are specifically designated and intended as a death payment, paid only by reason of the death of the employee. The exclusion does not apply to amounts with respect to which the deceased employee possessed, immediately prior to his death, a nonforfeitable right to receive the amounts while living. See § 29.165–7. Amounts to which the exclusion is not applicable include, among others, such items as uncollected salary, payments for unused leave, and amounts paid by or on behalf of an employer to the survivor of a deceased retired employee as a survivor's annuity, as to which see § 29.22 (b) (2)–2.

Example (3). A, who was a participant under the B Company pension plan, retired on December 31, 1951. He had made no contributions to the plan. Upon his retirement he became entitled to a monthly income of $100 payable for life, 120 months certain. A died in October 1952 having received 10 monthly payments of $100 each. His widow became entitled to 110 monthly payments representing the balance of the payments certain. No exclusion from gross income may be made by A's widow under this section since the employee's right to the monthly payments was nonforfeitable from the date of his retirement.

Example (4). The trustee of the C Corporation profit-sharing plan was required under the provisions of the plan to pay to the beneficiary of B, an employee of the C Corporation who died on July 1, 1952, the benefit due on account of the death of B. The provisions of the profit-sharing plan gave each participating employee in case of voluntary termination of employment a 10 percent vested interest in the amount accumulated in his account for each year of participation in the plan but, in case of death, the entire credit to the participant's account would be paid to his beneficiary.

At the time of the death of B he had been a participant for three years and the accumulation in his account was $8,000. After his death this amount was paid to his beneficiary. At the time of the death of B the amount distributable to him on account of voluntary termination of employment was $2,400 (30 percent of $8,000). The difference of $5,600 ($8,000 minus $2,400), payable to the beneficiary of B only by reason of the death of B, is considered an amount payable solely by reason of B's death. Accordingly, $5,000 may be excluded from the gross income of the beneficiary receiving such payment.

Example (5). The X Corporation instituted a retirement plan for its employees, the cost thereof being borne entirely by the corporation. The plan provided, in part, as follows: If, after 10 years of service, an employee left the employ of the corporation, either voluntarily or involuntarily, before retirement, a percentage of the reserve provided for the employee in the pension trust fund would be paid the employee as follows: 10 to 15 years of service, 25 percent; 15 to 20 years of service, 50 percent; 20 to 25 years of service, 75 percent; 25 years of service or over, 100 percent. The plan further provided that if an employee died before reaching retirement age, his beneficiary would receive a percentage of the reserve provided for the employee in the retirement fund, on the same basis as shown in the preceding sentence. Y, an employee of the X Corporation for 17 years, died while in the employ of the corporation before retirement. His beneficiary received $7,500, an amount equal to 50 percent of the reserve provided for Y's retirement. No exclusion from gross income may be made by the beneficiary with respect to such payment since Y, prior to his death, had a nonforfeitable right to the payment.

PAR. 3. There is inserted immediately preceding § 29.22 (b) (2)–1 the following provisions of the Revenue Act of 1951.

SEC. 303. JOINT AND SURVIVOR ANNUITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 22 (b) (2).* Section 22 (b) (2) is amended by adding at the end thereof the following new subparagraph:

(C) *Joint and survivor annuities.* For purposes of subparagraphs (A) and (B) of this paragraph, where amounts are received by a surviving annuitant under a joint and survivor's annuity contract and the basis of such survivor annuitant's interest is determined under section 113 (a) (5) the consideration paid for such survivor's annuity shall be considered to be an amount equal to such basis.

* * * * *

(c) *Effective dates.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950.

PAR. 4. Section 29.22 (b) (2)–2, as amended by Treasury Decision 5684, approved January 7, 1949, is further amended as follows:

(A) By inserting immediately after paragraph (a) the following new paragraph (a–1):

§ 29.22 (b) (2)–2 *Annuities.* * * *

(a–1) If, in the case of amounts received under a joint and survivor's annuity, the value of any part of the survivor's interest is required to be included in the gross estate of a decedent annuitant dying after December 31, 1950, under the provisions of section 811 (whether or not such estate exceeds

$60,000 so as to require the filing of an estate-tax return under section 937) the basis of such interest to the survivor annuitant is considered to be the value of the life annuity to the survivor at the time of the decedent's death as determined under section 113 (a) (5) Such valuation shall be substituted, effective upon the date of death of the first annuitant, in lieu of the consideration previously used, if any, for purposes of determining the taxable amounts of the annuity payments received after such date of death. Likewise, the amount of consideration determined in accordance with this rule shall, with respect to survivor annuity payments made after the death of the first annuitant, be substituted for the amount of consideration, if any, that may be recovered without inclusion in gross income.

(B) By adding the following examples after example (3) in paragraph (b)

Example (4). H and W on August 1, 1947, each contributed $90,000 toward the purchase of a joint and survivor's annuity of $12,000 a year, payable in monthly installments. On August 15, 1952, H died. There is includible in his estate under the provisions of section 811 the amount of $30,000 attributable to the decedent's interest in the annuity contract. The value of the annuity payments to be received by W subsequent to H's death (i. e., the cost of providing an annuity of $12,000 a year during the remaining life of W) is determined, under the provisions of section 113 (a) (5), to be $60,000. This amount is deemed to be the consideration paid by W, effective August 15, 1952, for the annuity payments to be received by her subsequent to that date. Therefore, of the monthly payments made to W following H's death, W shall include the sum of $150, being such portion of the installment as is not in excess of 3 percent of $60,000 (the consideration deemed to have been paid) divided by 12. The full amount of the annuity will not become includible in gross income until $60,000 shall have been recovered.

Example (5). H, an employee of the M Corporation, retired on January 1, 1952. Under the company's retirement plan H was entitled, upon retirement, to elect to receive a life annuity of $2,400 annually or a reduced annuity with a provision that his wife would receive $1,200 annually during her lifetime if he should predecease her. The M Corporation inaugurated its retirement plan in 1949 and paid the entire cost of all annuities. H elected to take the reduced annuity. He died on November 1, 1952, and thereafter his wife W received $1,200 annually in equal monthly installments. By reason of H's election to accept a reduced annuity with survivor payments for his widow, there is includible in his estate under the provisions of section 811 the amount of $12,000. This is the same valuation, as determined under section 113 (a) (5), placed on the annuity payments receivable by W subsequent to H's death. Therefore, W shall include in her gross income with respect to each monthly annuity payment received subsequent to November 1, 1952, the sum of $30, being such portion of the installment as is not in excess of 3 percent of $12,000 (the consideration deemed to have been paid) divided by 12. The full amount of the annuity payments will not become includible in gross income until $12,000 of the annuity payments received after H's death shall have been excluded from income. It is immaterial that H had no cost basis with respect to his annuity and had to include the full amount thereof in his gross income.

PAR. 5. Section 29.22 (b) (2)-5, as amended by Treasury Decision 5853, approved August 29, 1951, is further amended by striking the first sentence of paragraph (b) thereof and substituting the following: "Except as provided in § 29.22 (b) (2)-2 with respect to joint and survivor annuity payments received subsequent to the death of an annuitant who died after December 31, 1950, if upon the death of a retired employee, the widow or other beneficiary of such retired employee is paid, in accordance with the terms of the annuity contract relating to the deceased employee, an annuity or other death benefit, the amounts received by or made available to her shall be included in her income to the extent that they would have been included in the income of the deceased employee had he lived and received such payments."

PAR. 6. There is inserted immediately preceding § 29.113 (a) (5)-1 the following:

SEC. 303. JOINT AND SURVIVOR ANNUITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Amendment of section 113 (a) (5).* Section 113 (a) (5) is amended by adding at the end thereof the following: "For the purposes of this paragraph, the survivor's interest in a joint and survivor's annuity shall be considered to be property 'acquired by bequest, devise, or inheritance' from the decedent if the death of the decedent was after December 31, 1950, and if the value of any part of such interest was required to be included in determining the value of the decedent's gross estate under section 811."

(c) *Effective dates.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950.

PAR. 7. Section 29.113 (a) (5)-1, as amended by Treasury Decision 5687, approved February 16, 1949, is further amended by adding at the end thereof the following:

(h) *Joint and survivor annuities.* If, with respect to an annuitant who dies after December 31, 1950, the value of any part of a survivor's interest in a joint and survivor's annuity is required to be included in the gross estate of the deceased annuitant (whether or not such estate exceeds $60,000 so as to require the filing of an estate tax return under section 937) the basis of such interest to the survivor annuitant is considered to be the value at the time of the decedent's death. As to the taxability of survivor annuity payments in accordance with this rule, see § 29.22 (b) (2)-2.

PAR. 8. Section 29.165-6, as amended by Treasury Decision 5853, is further amended as follows:

(A) By striking the first sentence of paragraph (a) (2) and substituting in lieu thereof the following: "Except as provided in § 29.22 (b) (2)-2, if pension or annuity payments are continued after the death of a retired employee to his beneficiary, such beneficiary will be required to include such pension or annuity payments in income to the same extent that the deceased employee would have been required to include such payments in income had he lived to receive such payments."

(B) By adding at the end thereof the following new paragraph:

(b) See also § 29.22 (b) (1)-2 as to the limited exclusion from income of death benefits made by or on behalf of an employer in pursuance of an express contract and paid by reason of the death of an employee.

(Secs. 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791))

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: June 17, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-5503; Filed, June 19, 1953; 8:51 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 708—RUBBER, STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDERS

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) notice was published in the FEDERAL REGISTER on May 27, 1953 (18 F. R. 3049), of my decision to approve the minimum wage recommendation of Special Industry Committee No. 13 for Puerto Rico for the straw, hair, and related products division of the rubber, straw, hair, and related products industry in Puerto Rico, and the amendment of the wage order contained in this part which I proposed to issue to carry such recommendation into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days from the date of publication of the notice. No exceptions have been received.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), my decision in this matter as set forth in my findings and opinion dated May 21, 1953, and in the notice referred to above, is hereby affirmed and made final, the recommendation of Special Industry Committee No. 13 for Puerto Rico for the straw, hair, and related products division of the rubber, straw, hair, and related products industry in Puerto Rico is hereby approved, and the wage order contained in this part is amended as follows:

1. The headnote of § 708.1 is changed from *Wage rate* to *Wage rates.*

2. The text note immediately following § 708.1 (a) is deleted.

3. A new paragraph, designated paragraph (b), is added to § 708.1, as follows:

§ 708.1 *Wage rates.* * * *

(b) Wages at a rate of not less than 37 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the straw, hair, and related products division of the rubber, straw, hair, and related products industry in Puerto Rico who is

engaged in commerce or in the production of goods for commerce.

(Sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interprets or applies sec. 5, 63 Stat. 911; 29 U. S. C. 205)

The above amendments shall become effective July 20, 1953.

Signed at Washington, D. C., this 15th day of June 1953.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 53-5477; Filed, June 19, 1953; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"STOCK ITEM" EXEMPTION

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

1. Paragraph (b) is amended by deleting the caption in its entirety and inserting in lieu thereof the following: *"Stock item" exemption, amounts received or accrued before August 1, 1953.*

2. Paragraph (b) is further amended by deleting the date "July 1, 1953" and inserting in lieu thereof the date "August 1, 1953"

3. Paragraph (c) is amended by deleting the caption in its entirety and inserting in lieu thereof the following: *Application of exemption of amounts received or accrued before August 1, 1953.*

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated June 17, 1953.

NATHAN BASS,
Secretary.

[F. R. Doc. 53-5510; Filed, June 19, 1953; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Designation of Scarce Materials 1, as Amended June 18, 1953]

DSM-1—DESIGNATION OF SCARCE MATERIALS AND WITHDRAWAL OF PREVIOUS DESIGNATION

This amended designation is issued pursuant to section 102 of the Defense Production Act of 1950, as amended; Executive Orders 10161, 10200, and 10281, and Defense Production Administration Delegation 1, as amended (16 F R. 738, 4594)

Designation of Scarce Materials 1, as last amended February 18, 1953, is amended by deleting most of the items from List A, by changing the description of certain of the remaining items in List A, by listing in List B of this amended designation such deleted items withdrawn from their previous designation as scarce materials; and by changing the date in section 8.

Sec.
1. Purpose of this designation.
2. Definition of person.
3. Designation of scarce materials.
4. Receipts of imported materials.
5. Receipts of minimum production or sales quantities.
6. Receipts of materials after adjustment of orders.
7. Applicability of other provisions of law, regulation, and orders.
8. Withdrawal of designation of scarce materials.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 102, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2072; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp., secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose of this designation.* Section 102 of the Defense Production Act of 1950, as amended, provides in part that, in order to prevent hoarding, no person shall accumulate (a) in excess of the reasonable demands of business, personal, or home consumption, or (b) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated as scarce materials or materials the supply of which would be threatened by such accumulation. This designation lists certain materials as scarce materials. It also prescribes in sections 4, 5, and 6, certain conditions under which a person may accumulate such materials in excess of the reasonable demands of business, personal, or home consumption. In addition it lists other materials which are withdrawn from their previous designation as scarce.

SEC. 2. *Definition of person.* As used in this designation, the word "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 3. *Designation of scarce materials.* Each material included in List A of this designation, in the shapes and forms therein described, or in all shapes and forms if no particular shape or form is therein described, is hereby designated, pursuant to section 102 of the Defense Production Act of 1950, as amended, a scarce material. Whenever "material" or "materials" is hereinafter used, it means any such designated material or materials.

SEC. 4. *Receipts of imported materials.* (a) Nothwithstanding any provision of this designation, a person may import by land, sea, or air any material acquired by him prior to landing without regard to the reasonable demands of his business, personal, or home consumption. However, if his total quantity of a material accumulated thereby becomes in excess of the reasonable demands of his business, personal, or home consumption, he may not receive any additional amount of such material from any domestic source until his total quantity thereof has been reduced below an amount which is not in excess of the reasonable demands of his business personal, or home consumption.

(b) Within the meaning of paragraph (a) of this section, importation by a person is not limited to the person who takes title to the material prior to landing or who pays the customs entry thereon, but includes a person who, prior to landing, purchases or contracts to purchase the material from or through an importing broker, wholesaler, or other importer, even though such broker, wholesaler, or other importer makes the customs entry in his own name, places the material on board the inland carrier for shipment to his customer, and retains title until such shipment is made. Within the meaning of paragraph (a) of this section, a material is not imported by a person who acquires such material from an importing broker, wholesaler, or other importer who took such material into his own stock or inventory.

SEC. 5. *Receipts of minimum production or sales quantities.* Notwithstanding any provision of this designation, in the case of materials that are mass-produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such material, or from any other supplier, a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his accumulation of such material thereby becomes in excess of the reasonable demands of his business, personal, or home consumption. After such receipt, however, he may not receive any additional amount of such material until his accumulation thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

SEC. 6 *Receipts of materials after adjustment of orders.* Notwithstanding any provision of this designation, a person who has promptly instructed the supplier to reduce or defer delivery of a material under an order for such material previously placed by him with the supplier, to the extent necessary so that his accumulation of such material will not be in excess of the reasonable demands of his business, personal, or home consumption, may accept delivery of the material involved in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier has in stock or in production, or for the production of which he has acquired special components or special materials. For

the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and cannot readily dispose of to others.

(c) If the material has already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the books of the producer.

SEC. 7. *Applicability of other provisions of law, regulations, and orders.* Nothing in sections 4, 5, and 6 of this designation shall be deemed to modify in any respect, or relieve any person from complying with, any applicable regulation, order, or other provision of law.

SEC. 8. *Withdrawal of designation of scarce materials.* The materials included in List B of this designation, as amended, all of which were designated as scarce materials in List A of NPA Designation of Scarce Materials 1 as amended February 18, 1953, are hereby withdrawn from such designation.

Designation of Scarce Materials 1, as amended, shall take effect June 18, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

LIST A—DESIGNATION OF SCARCE MATERIALS

METALS AND MINERALS

Chromium—all forms of ferro-chromium including those alloys known as ferro-silicon chromium and ferro-chromium silicon, chromium nickel, chromium metal, and all other compositions containing more than 25 percent chromium, which are used as sources of chromium in commercial manufacture or processing.
Cobalt—cobalt metal, cobalt fines, cobalt oxide, cobalt powder, and all other cobalt compounds produced from ores, metals, concentrates, and/or refinery residues, as well as scrap containing more than 5 percent cobalt, which are used as sources of cobalt in commercial manufacture and processing.
Columbium and Tantalum—ferro-columbium and ferro-columbium tantalum.
Molybdenum—ferro-molybdenum, all grades of molybdenum oxide, and all primary molybdates and other molybdenum compounds used as a source of molybdenum in commercial manufacture and processing. It does not include the molybdenum present in steel scrap or pure molybdenum metal or scrap molybdenum metal.
Nickel—only the following forms of primary nickel: electrolytic nickel, ingots, pigs, rondelles, cubes, and pellets, rolled and cast anodes, shot, oxides, salts, and chemicals and residues derived directly from new nickel, including residues containing nickel derived as a byproduct from copper refinery operations.
Diamond grinding wheels.

LIST B—MATERIALS WITHDRAWN FROM THEIR PREVIOUS DESIGNATION AS SCARCE IN LIST A OF NPA DESIGNATION OF SCARCE MATERIALS 1, AS AMENDED FEBRUARY 18, 1953

CHEMICALS

Acetylene.
Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Butadiene.
Calcium carbide.
Cobalt salts and driers.
Cyclohexanol.
Freon 22.
Lithium chemicals.
Lithium metal.
Nickel chemicals.
Oxygen.
Paraphenylphenol.
Paratertiary butyl phenol.
Pyrethrum.
Pyridine.
Selenium compounds.
Toluene.

FOREST PRODUCTS

Lumber:
- Cedar: Port Orford.
- Cypress.
- Douglas fir, thick clears.
- Eucalyptus: Ironbark.
- Lignum vitae.
- Teak.

Plywood, softwood AA grade, all thicknesses, exterior and interior; ½ inch, all grades, exterior.

IRON AND STEEL

Iron: Pig iron.
Steel (carbon, including low-alloy, high-strength alloy, and stainless) Ingots and semifinished steel, including skelp; steel castings, rough and semifinished; structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, hot-rolled, including light shapes and reinforcing; cold-finished bars; pipe; tubing, wire, wire rods, and drawn wire products; tin plate, terneplate, and tin mill black plate; hot-rolled sheet and strip; cold-rolled sheet and strip; other mill shapes and forms.
Forgings, rough as forged.
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).
Iron and steel scrap.

METALS AND MINERALS

Aluminum:
- Primary and secondary in crude form.
- Semifabricated shapes, castings (including die); forgings, plate, sheet and strip; foil; rolled structural shapes, rod, bar, and wire; extruded shapes, tube blooms, and tubing; powder, flake and paste.
- All aluminum and aluminum-base scrap containing commercially recoverable aluminum.

Aluminum castings (before machining).
Aluminum forgings, pressings, and impact extrusions (before machining).
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, Bolivian crocidolite.
Beryllium: Metal oxides, master alloys, and compounds.
Copper:
- Refined copper (fire-refined and electrolytic) including refinery shapes such as wire bars, slabs, cakes, billets, and ingots.
- All other copper raw materials—blister copper, copper-base alloy ingot, copper and copper-base alloy shot and waffle, brass mill castings, copper precipitates, and intermediate shapes.
- Copper and copper-base alloys; alloy plate, sheet, and strip; alloy rod, bar, and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar, and wire (including extruded shapes); unalloyed plate, sheet, and strip; unalloyed tube and pipe; copper and copper-base alloy castings; copper powder mill products.
- All copper and copper-base alloy scrap containing commercially recoverable copper.

Cryolite.
Diamonds, industrial.
Fluorspar, acid grade.
Magnesium:
- Magnesium, primary and secondary ingots.
- Semifabricated shapes.
- All magnesium-base alloy scrap containing commercially recoverable magnesium.

Manganese: Manganese metal and ferromanganese.
Mica, muscovite block and film, good stained and better.
Platinum.
Scrap, ferrous and nonferrous.
Selenium and selenium alloys.
Titanium:
- Sponge.
- Semifabricated shapes.
- Sheets, tubes, extrusions.
- Titanium-bearing alloys.
- Titanium-base alloy scrap.

Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
Vanadium: Ferrovanadium, vanadium oxide, ammonium meta-vanadate and other vanadium-bearing products.
Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Silk, noils and waste.

MISCELLANEOUS

Bristles, pigs' and hogs'.
Reels and spools, shipping and package (wholly or in part of metal).

[F. R. Doc. 53-5535; Filed, June 18, 1953; 12:30 p. m.]

[NPA Order M-89—Revocation]

M-89—DISTRIBUTION OF CONTROLLED MATERIALS TO RETAILERS

REVOCATION

NPA Order M-89 (16 F. R. 11725) as amended by Amendment 1 of May 9, 1952 (17 F. R. 4341), and Amendment 2 of July 23, 1952 (17 F. R. 6771), is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-89 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under that order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect July 1, 1953.

Issued: June 18, 1953.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-5534; Filed, June 18, 1953; 12:30 p. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Rev. S. O. 856, Amdt. 6]

PART 95—CAR SERVICE

SATURDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS; ORDER SUSPENDED ON TANK CARS

At a session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D. C., on the 16th day of June A. D. 1953.

Upon further consideration of Second Revised Service Order No. 856 (16 F R. 3929, 10560; 17 F R. 896, 3458, 4949, 10737; 18 F R. 2084, 3146) and good cause appearing therefor: *It is ordered,* That:

Section 95.856 *Saturdays to be included in computing demurrage on all freight cars* of Second Revised Service Order No. 856 be, and it is hereby suspended until 11:59 p. m., August 31, 1953, on all tank cars described in the current Official Railway Equipment Register, Agent M. A. Zenobia's I. C. C. 307, supplements thereto and reissues thereof, as Class "TM"

It is further ordered, that this amendment shall become effective at 7:00 a. m., June 20, 1953, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-5488; Filed, June 19, 1953; 8:47 a. m.]

PROPOSED RULE MAKING

THE RENEGOTIATION BOARD

[32 CFR Part 1455]

RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

NOTICE OF PROPOSED RULE MAKING

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, Public Law No. 9, 82d Congress, proposes to issue the following regulations. The Board intends to make such changes in these proposed regulations as it considers appropriate in the light both of recommendations made by interested persons for changes and improvements therein and of its own further study.

Interested persons are hereby notified that, in order for recommendations for changes and improvements in the proposed regulations to be considered, they must be presented, in writing, to the Renegotiation Board, Washington 25, D. C., within 20 days from the date of this publication in the FEDERAL REGISTER.

Dated: June 17, 1953.

NATHAN BASS, *Secretary.*

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"STOCK ITEM" EXEMPTION

It is proposed to amend § 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* by adding new paragraphs (d) and (e) to read as follows:

(d) *"Stock item" exemption; amounts received or accrued after July 31, 1953.* The Board has found that it is not administratively feasible to determine and segregate the profits attributable to activities subject to renegotiation from those not so subject in the case of the following and has, therefore, exempted from the provisions of the act, to the extent of amounts received or accrued after July 31, 1953, all subcontracts subject to the act which are for materials (including maintenance, repair and operating supplies) customarily purchased for stock in the normal course of the purchaser's business, but such exemption shall not apply in any of the following cases: (1) When any such subcontract is for an amount in excess of $5,000, or (2) when the subcontract is for equipment, assemblies or subassemblies, components of equipment, assemblies or subassemblies, or parts, for which the price under the subcontract is in excess of $50 per unit, or (3) when such materials are specially purchased for use in performing one or more prime contracts or higher tier subcontracts subject to the act. Any contractor having a fiscal year beginning after December 31, 1952 but before August 1, 1953 may, at its option, apply the stock item exemption prescribed in this paragraph and paragraph (e) of this section to its receipts or accruals from the beginning of such fiscal year rather than apply the provisions of paragraphs (b) and (c) of this section to its receipts or accruals before August 1, 1953.

(e) *Application of exemption of amounts received or accrued after July 31, 1953.* (1) When the purchaser customarily carries an article in stock and purchases a supply of it to be placed in stock, the purchase is not subject to renegotiation merely because the purchaser knows that some portion of the stock will inevitably be used in the performance of renegotiable contracts or subcontracts then on hand. When materials have been specially purchased for use in performing one or more renegotiable contracts or subcontracts, the subcontract for such a purchase is subject to renegotiation, notwithstanding that the article may be placed in stock by the purchaser, and irrespective of the amount so placed. When items are specially purchased for use in performing one or more renegotiable contracts or subcontracts, it is immaterial that the purchaser does not know at the time of purchase the specific contract or subcontract in the performance of which such articles or any portion of them will be used, or even that the contract or subcontract has not yet been let; the purchase is subject to renegotiation in its entirety. Articles purchased on the basis of requirements to fulfill a particular production schedule are not purchased for stock for the purposes of this section, and the exemption does not apply. This is true even though the purchaser intends to use the articles in common to fulfill defense and civilian orders. The extent of use in renegotiable production will determine the extent to which the sales of such articles are renegotiable.

(2) Subcontracts for amounts in excess of $5,000 shall not be broken down into several subcontracts for less than $5,000 each, and unit prices in excess of $50 for equipment, assemblies or subassemblies, components of equipment, assemblies or subassemblies, or parts, shall not be broken down into several unit prices of less than $50 each, nor shall customary purchasing or contracting procedures be altered, merely for the purpose of avoiding renegotiation under this exemption.

(3) With respect to amounts received or accrued after July 31, 1953, any one or more of the following circumstances indicate that the article was "specially purchased" and not exempt and that the subcontract is therefore subject to renegotiation to the extent that the article is used in renegotiable business:

(i) That the specifications of the article were adapted to the purchaser's renegotiable business only.

(ii) That the article was segregated or earmarked, either in whole or in part, for the performance of renegotiable contracts or subcontracts.

(iii) That the purchaser represented to the supplier that the article was required for the performance of renegotiable contracts or subcontracts.

(iv) That the purchaser properly cited in or in connection with the subcontract a renegotiable prime contract number.

(v) That the purchaser properly extended to the supplier a preference rating or allotment symbol applicable only to renegotiable contracts or subcontracts, whether or not such rating or symbol was so extended for the purpose of replenishing stock.

(vi) That more than half of the purchaser's business in the plant or other facility to which the article was delivered was subject to renegotiation.

[F. R. Doc. 53-5511; Filed, June 19, 1953; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

RULES AND REGULATIONS UNDER SECURITIES EXCHANGE ACT OF 1934

REGISTRATION OF BROKERS AND DEALERS

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule which would require every broker or dealer filing an application for registration on Form 3-M (17 CFR 249.503) to file with such application a statement of financial condition which will disclose his assets, liabilities and net worth as of a date within 30 days of the date on which the statement is filed. This statement would have to contain an oath or affirmation that it is true and correct, but it would not have to be certified by an independent accountant. The proposed rule would be adopted pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 3 (b), 15 (b) and 23 (a)

The Commission has a rule, known as § 240.17a-5, (Rule X-17A-5) which requires brokers and dealers to file a report of financial condition during each calendar year. However, there is no requirement at the present time which requires a broker or dealer to furnish information disclosing his financial condition at or about the time his registration becomes effective. It is believed it would be in the public interest to require each broker or dealer filing a new application for registration to supplement the application with a statement of his financial condition at that time so that this information will be available to the Commission and to any member of the public who wishes to avail himself of it. These brokers or dealers would still be required to file the annual report of financial condition under Rule X-17A-5.

The proposed rule would read substantially as follows:

§ 240.15b-8 *Registration of brokers and dealers.* (a) Every broker or dealer who files an application for registration on Form 3-M (§ 249.503 of this chapter) on or after the effective date of this section shall file with such application a statement of financial condition in such detail as will disclose the nature and amount of assets and liabilities and the net worth of such broker or dealer as of a date within 30 days of the date on which such statement is filed. Attached to such statement shall be an oath or affirmation that, to the best knowledge and belief of the person making such oath or affirmation, such statement is true and correct. The oath or affirmation shall be made before a person duly authorized to administer such oath or affirmation. If the broker or dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by a general partner; or if a corporation, by a duly authorized officer.

(b) Every broker or dealer who has filed an application for registration on Form 3-M which is not effective on the effective date of this section shall file such statement of financial condition within 30 days after the section becomes effective.

(c) The statement of financial condition required by paragraphs (a) and (b) of this section shall constitute a document supplemental to such application for registration within the meaning of section 15 (b) of the act.

All interested persons are invited to submit data, views and comments on the above proposal in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 6, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 16, 1953.

[F. R. Doc. 53-5523; Filed, June 19, 1953; 8:45 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 19]

ORGANIZATION AND FUNCTIONS

AIRPORT DISTRICT OFFICES, REGION 3

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration is amended to show the locations of the Airport District Offices of Region 3 and the areas over which they have jurisdiction.

Section 43 (g) (3) (ii) Region 3, published on May 14, 1953, in 18 F. R. 2798 is amended to read:

(ii) *Locations and areas served.* * * * *Region 3.*

Chicago, Ill., 185 North Wabash Avenue—Illinois and Wisconsin.

Kansas City, Mo., City Hall—Kansas and Missouri.

Lansing, Mich., 407-411 North Washington Avenue—Michigan and Indiana.

Lincoln, Nebr., 411 Trust Building—Nebraska and Iowa.

St. Paul, Minn., 420 Commerce Building—Minnesota, North Dakota, and South Dakota.

This amendment shall become effective June 8, 1953.

[SEAL] F. B. LEE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 53-5476; Filed, June 19, 1953; 8:45 a. m.]

No. 120——3

National Production Authority

[Suspension Order 62, Docket No. 72]

JONES, MCDUFFEE, AND STRATTON CORP.

SUSPENSION ORDER

A hearing having been held in the above-entitled proceeding on the 15th day of April 1953 before Ernest J. Brown, a hearing commissioner of the National Production Authority, on a statement of charges made in accordance with NPA General Administrative Order 16-06 (16 F. R. 8628) dated July 21, 1951, Rules of Practice 1, Revised (18 F. R. 1592), and Delegation of Authority under NPA-GAO 16-06 (17 F. R. 2098), and upon the answer of respondent filed in said proceeding and a stipulation of facts executed by Jonathan B. Rintels, attorney for the National Production Authority, and by E. A. Griffiths, president, for the respondent, Jones, McDuffee & Stratton Corporation, 640 Commonwealth Avenue, Boston, Mass., and the respondent having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern those proceedings, and having been represented therein by its president, E. A. Griffiths, and the National Production Authority having been represented by Jonathan B. Rintels, of the office of General Counsel, the parties having been heard, a stipulation of facts having been introduced, and, after due deliberation, it is hereby determined:

Findings of fact. 1. Jones, McDuffee & Stratton Corporation (hereinafter sometimes referred to as the respondent) is a corporation organized under the laws of Massachusetts. It has been engaged for many years in the manufacture and sale of kitchen, restaurant, and hotel equipment.

2. The products manufactured by the respondent which are concerned in this proceeding are Class B products.

3. During the calendar quarter commencing January 1, 1952, the respondent acquired 28,721 pounds of nickel-bearing stainless steel, a controlled material, without charging such quantity against its allotment, in violation of section 3 (c) of CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860)

4. During the calendar quarter commencing April 1, 1952, the respondent acquired 881 pounds of nickel-bearing stainless steel, a controlled material, without charging such quantity against its allotment, in violation of section 3 (c) of CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860).

5. During the calendar quarter commencing July 1, 1952, the respondent acquired 10,455 pounds of nickel-bearing stainless steel, a controlled material, without charging such quantity against its allotment, in violation of section 3 (c) of CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860)

6. During the calendar quarter commencing October 1, 1952, the respondent acquired 13,702 pounds of nickel-bearing stainless steel, a controlled material,

without charging such quantity against its allotment, in violation of section 3 (c) of CMP Regulation No. 1 as amended November 23, 1951 (16 F R. 11860) and as amended November 18, 1952 (17 F. R. 10548)

7. During the calendar quarter commencing July 1, 1952, the respondent placed orders for 10,455 pounds of nickel-bearing stainless steel without endorsing on its purchase orders therefor, or delivering with such purchase orders, the certification required by section 3 (c) of NPA Order M-6A, Schedule 3 (17 F R. 3649) dated April 23, 1952, in violation of said section.

8. During the calendar quarter commencing October 1, 1952, the respondent placed orders for 12,782 pounds of nickel-bearing stainless steel without endorsing on its purchase orders therefor, or delivering with such purchase orders, the certification required by section 3 (c) of NPA Order M-6A, Schedule 3 (17 F. R. 3649) dated April 23, 1952, in violation of said section.

9. The respondent failed to return its unused allotments of nickel-bearing stainless steel allotted to it for the calendar quarter commencing April 1, 1952, within the period required by section 18 (b) of CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860) in violation of said section.

10. The following is a summary by quarters of the entire operations of the respondent relating to nickel-bearing stainless steel in the calendar year 1952:

POUNDS OF NICKEL-BEARING STAINLESS STEEL

Period	Allotments	Purchases		Total purchases	Excess purchases
		With use of allotments	Without use of allotments		
First quarter 1952	21,762	3,274	28,721	31,995	10,233
Second quarter 1952	10,437	930	881	1,811	[1] 8,626
Third quarter 1952	[2] 4,755	473	10,455	10,928	6,173
Fourth quarter 1952	[2] 2,755	920	12,782	13,702	10,947
Total	39,709	5,597	52,839	58,436	[3] 18,727

[1] Allotments exceeded total purchases.
[2] Advance.
[3] Net.

From the foregoing it appears that the gross over-purchases by respondent during the calendar year 1952 amounted to 27,353 pounds of nickel-bearing stainless steel. The net over-purchases during the same period amounted to 18,727 pounds.

11. A substantial portion of the over-purchasing of nickel-bearing stainless steel by respondent during the year 1952 is attributable to a failure by it and its officers to have a clear understanding of the difference between Class A and Class B products, and to a mistaken reliance upon assurances from customers that the products to be produced for such customers were Class A products for which allotments would be supplied, when in fact such products were Class B products. Respondent in such instances placed purchase orders and received and used the controlled material ordered prior to learning that it had no right to do so. Respondent was at no time advised by its counsel with respect to NPA regulations affecting its business. Although respondent was legally obligated to inform itself as to applicable NPA orders and regulations and to comply with them, its violations based upon failure to do so cannot in the circumstances of this case be regarded as wilful.

Conclusions. The respondent has violated section 3 (c) and section 18 (b) of CMP Regulation No. 1, as amended November 18, 1952, in its acquisition of 52,839 pounds of nickel-bearing stainless steel during the calendar year 1952, and in its failure to return its unused allotment thereof at the conclusion of the calendar quarter commencing April 1, 1952., Said violations resulted in dislocations and disruptions in the priority and allocation program. It nevertheless appears that the respondent was entitled to use certain allotments which it failed to use, and to the extent thereof the violations, consisting of the placement of orders without the use of allotments, are of a procedural character. The respondent made purchases of nickel-bearing stainless steel in the first, third, and fourth quarters of 1952 in the aggregate amount of 27,353 pounds in excess of its allotments for such quarters. The respondent had received advance allotments for the third quarter of 1952 amounting to 4,755 pounds and for the fourth quarter amounting to 2,755 pounds. It appears that if applications for third and fourth quarter allotments had been seasonably filed, these amounts would have been substantially increased. Taking these facts into consideration, plus the additional fact that a high percentage of respondent's unauthorized use of nickel-bearing stainless steel was upon contracts not unrelated to the defense effort, it appears equitable and proper in the circumstances of this case to direct a recoupment in less than the full amount found to have been acquired in violation of regulations. The respondent violated section 3 (c) of NPA Order M-6A, Schedule 3, dated April 23, 1952, during the calendar quarters commencing July 1, 1952, and October 1, 1952, by failing to place the required certification on its purchase orders for an aggregate of 23,237 pounds of nickel-bearing stainless steel during said quarters. In view of the fact that the failures to act constituting these violations are closely related to the acts constituting the unauthorized and excessive purchases found to have been made by the respondent during the same periods, they need not form the basis of any separate or distinct relief to the National Production Authority.

In order to correct the dislocations and disruptions in the priority and allocation program occasioned by the violations herein found, and in order to prevent future violations of regulations and orders by the respondent;

It is accordingly ordered. That insofar and to the extent that allotments or other quantitative authorization by National Production Authority, or any successor exercising the authority thereof pursuant to the Defense Production Act of 1950 as it is or may be amended and extended, may, under pertinent regulations, orders, or directions, be required by the respondent, Jones, McDuffee & Stratton Corporation, for the lawful purchase, acquisition, or ordering of nickel-bearing stainless steel for delivery during the third or fourth calendar quarter of 1953 for the production of Class B products, the amounts of such allotments or other quantitative authorization with respect to nickel-bearing stainless steel made or granted to the respondent, Jones, McDuffee & Stratton Corporation, by National Production Authority (or successor authority) for the third and fourth calendar quarters of 1953 shall be reduced from the amounts which have been or which would otherwise be made or granted, by the amount of 5,000 pounds of nickel-bearing stainless steel for each of said calendar quarters.

Issued at Boston, Mass., this 13th day of June 1953.

NATIONAL PRODUCTION AUTHORITY,
By ERNEST J. BROWN,
Hearing Commissioner

[F. R. Doc. 53-5536; Filed, June 18, 1953; 12:30 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6047]

FLYING TIGER LINE, INC., AND SLICK AIRWAYS, INC.

NOTICE OF HEARING ON MERGER

In the matter of the proceeding known as the Flying Tiger-Slick Merger Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, 408, and 1001 of that act, that a hearing in the above-entitled proceeding is assigned to be held on June 29, 1953 at 10:00 a. m., e. d. s. t., in Room No. 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F Merritt Ruhlen.

Without limiting the scope of the issues involved in these proceedings, particular attention will be directed to the following matters:

1. Will the merger of Flying Tiger Line, Inc. and Slick Airways, Inc. pursuant to an agreement dated March 26, 1953, be adverse to the public interest; and

2. Will the transfer of the certificate of public convenience and necessity of Slick Airways, Inc. to the Flying Tiger Line, Inc. be consistent with the public interest?

Notice is further given that any person not a party of record desiring to be heard

in support or opposition to questions involved in these proceedings must file with the Board on or before June 29, 1953, a statement setting forth the matters of fact or law which he desires to advance.

For further details concerning these proceedings and the issues involved herein, all interested parties are referred to the application, the Examiner's Prehearing Conference Report dated May 4, 1953, and all other documents in this Docket filed with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D. C., June 17, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-5507; Filed, June 19, 1953; 8:50 a. m.]

[Docket No. 6149]

PERSONAL INJURY RULES CASE

NOTICE OF HEARING

In the matter of the investigation of Rules 14 (A) (2) (c) and 17 (A) (1) of Charles G. Hubbard Jr.'s tariff, CAB No. 27 (formerly Redfern's CAB No. 12)

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on July 6, 1953, at 2:00 p. m. e. d. t. in the Florentine Room, Hotel Lexington, 48th Street and Lexington Avenue, New York City, N. Y., before Examiner James S. Keith.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matters and questions:

1. Whether under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, Rules 14 (A) (2) (c) and 17 (A) (1) of the tariff of Charles G. Hubbard, Jr., CAB No. 27, formerly Redfern's CAB No. 12, which read:

14 (A) (2) (c) * * * The acceptance for transportation by any participating carrier of a passenger whose status, age, or mental or physical condition is such as to involve any unusual hazard or risk to himself, or, in the case of a pregnant passenger, to an unborn child (whether or not the carrier has knowledge of such status, age, or mental or physical condition) shall be only upon the condition (aa) that no participating carrier shall be liable for any loss or damage arising out of any injury, illness, disability (or any aggravation or consequence thereof, including death) sustained by the passenger, if such loss or damage would not have been sustained but for such status, age, or mental or physical condition; and further, (bb) that, in the case of a pregnant passenger, no participating carrier shall be liable for a loss or damage arising out of any injury, illness or disability (or any aggravation or consequence thereof, including death) sustained by an unborn child. * * *

17 (A) (1) * * * No action shall be maintained for any injury to or the death of any passenger unless notice of the claim is presented in writing to the General Office of the participating carrier alleged to be responsible therefor within ninety (90) days after the alleged occurrence of the events giving rise to the claim, and unless the action is commenced within one (1) year after such alleged occurrence. * * *

are or could be lawfully filed;

(a) Whether under section 403 (a) a regulation of the Board could lawfully require the filing of such rules;

(b) Do the regulations of the Board require the filing of such rules?

2. If such rules are lawfully filed, are they or will they be unjust or unreasonable or are they unduly preferential or unduly prejudicial or unjustly discriminatory or otherwise unlawful?

3. If such rules are or will be unlawful, what rules, if any, should the Board prescribe?

Notice is further given that any person other than the parties and interveners of record desiring to be heard in this proceeding may file with the Board on or before July 6, 1953, a statement setting forth the issues of fact and of law raised by this proceeding which he desires to controvert, and such person may appear and participate in the hearing in accordance with Rule 14 of the rules of practice.

Dated at Washington, D. C., June 17, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 53-5506; Filed, June 19, 1953; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9589]

HOWARD R. WARD

ERRATUM TO ORDER SCHEDULING FURTHER HEARING

In re application of Howard R. Ward, Bowling Green, Ohio, Docket No. 9589, File No. BP-7409; for construction permit.

Paragraph 2 of the order issued by the undersigned Hearing Examiner on June 8, 1953, granting a petition of Howard R. Ward requesting that his application be amended in certain respects, that the record of hearing be reopened and a further hearing on the application as amended, is changed to read as follows:

It appearing, That no opposition has been filed to a grant of the above petition by WPIT, Inc., licensee of Station WPIT, Pittsburgh, Pennsylvania, or the Chief of the Broadcast Bureau of the Federal Communications Commission, the other parties to the said proceeding;

Dated: June 10, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5474; Filed, June 19, 1953; 8:45 a. m.]

[Docket Nos. 10340, 10341]

MARIA HELEN ALVAREZ AND CAL TEL CO.

ORDER CONTINUING HEARING

In re applications of Maria Helen Alvarez Sacramento, California, Docket No. 10340, File No. BPCT-1041, Ashley L. Robinson and Frank E. Hurd, d/b as Cal Tel Company, Sacramento, California, Docket No. 10341, File No. BPCT-1330; for construction permits for new commercial television stations.

Upon request of both of the above parties and with the concurrence of counsel for the Broadcast Bureau, the hearing date in the above-entitled matter is continued from June 15, 1953, to June 25, 1953.

Dated this 12th day of June 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-5475; Filed, June 19, 1953; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3018]

NEW ORLEANS PUBLIC SERVICE CO., INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JUNE 16, 1953.

New Orleans Public Service, Inc. ("New Orleans"), a utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 7 thereof and Rule U-50 of the rules and regulations promulgated thereunder, regarding the issuance and sale by New Orleans of $6,000,000 principal amount of First Mortgage Bonds, __ Percent Series, due 1983, pursuant to the competitive bidding requirements of Rule U-50; and

The Commission, by orders dated May 1, 1953, and May 12, 1953, having granted the application, as then amended, but having reserved jurisdiction with respect to all fees and expenses to be paid in connection with the proposed transactions; and

The record with respect to such fees and expenses having now been completed and it appearing that total expenses in connection with the issue are estimated at $70,000, including $7,500 to Reid & Priest; $2,000 to Rosen, Kammer, Hopkins, Burke & Lapeyre; and $2,000 to Jones, Walker and Waechter, all of the above-named being counsel for New Orleans; and that the fee of Beekman & Bogue, counsel for the successful bidders, is $6,500; and it appearing that such fees and expenses are not unreasonable:

It is ordered, That the jurisdiction over fees and expenses reserved in the Commission's orders of May 1 and May 12, 1953, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-5478; Filed, June 19, 1953; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6505]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

JUNE 15, 1953.

Take notice that on June 8, 1953, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Pacific Gas and Electric Company (hereinafter called Applicant) a corporation organized under the laws of the State of California and doing business in said State, with its principal business office at San Francisco, California, seeking an order authorizing the acquisition of all of the facilities of Vallejo Electric Light and Power Company (hereinafter called Vallejo) a California corporation with its principal business office at Vallejo, California.

Vallejo, a wholly-owned subsidiary of Applicant, will transfer all of its facilities, consisting of an electric distribution system now used in supplying electric utility service in and near the City of Vallejo, California. Upon the acquisition of said facilities by Applicant, Vallejo will be dissolved.

Applicant proposes to continue the use of such facilities and to render the service theretofore rendered by Vallejo.

The proposed transaction will terminate the contract under which Applicant now sells electric energy at wholesale to Vallejo; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest or petition to said application should on or before the 3d day of July 1953 file with the Federal Power Commission, Washington 25, D. C., a petition or protest to conform with the Commission's rules of practice and procedure. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5481; Filed, June 19, 1953; 8:46 a. m.]

[Docket No. G-2182]

SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

NOTICE OF APPLICATION

JUNE 16, 1953.

Take notice that on June 1, 1953, Southern Counties Gas Company of California (Applicant) a California corporation, 810 South Flower Street, Los Angeles, California, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct and operate approximately 72,000 feet of 24-inch pipeline and 1,000 feet of 22-inch pipeline, together with regulating and measuring facilities, extending from a point on applicant's existing 30-inch Blythe-Santa Fe Springs pipeline near Brea to Santa Ana, California.

The estimated cost of the proposed facilities is $879,962. Applicant's proposed financing is through corporate funds which will be currently available.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of July 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-5482; Filed, June 19, 1953; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28191]

CLASS RATES FROM, OR TO POINTS IN WYOMING

APPLICATION FOR RELIEF

JUNE 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to fourth section application No. 26770.

Involving: Class rates.

Territory: Between Chicago, Burlington & Quincy Railroad Company stations Dakoming to Gillette, Wyo., inclusive, on the one hand, and points in the United States, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-5484; Filed, June 19, 1953; 8:47 a. m.]

[4th Sec. Application 28190]

AUTOMOBILE PARTS FROM TOLEDO, OHIO TO ATLANTA, GA.

APPLICATION FOR RELIEF

JUNE 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4510, pursuant to fourth section, order No. 17220.

Commodities involved: Automobile bodies or seat cabs, bodies, dumping, iron or steel, and other automobile parts, carloads.

From: Toledo, Ohio.

To: Atlanta, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5485; Filed, June 19, 1953; 8:47 a. m.]

[4th Sec. Application 28189]

RAIL-WATER RATES ON COTTON FROM NORTH CAROLINA AND VIRGINIA TO BALTIMORE, MD.

APPLICATION FOR RELIEF

JUNE 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cotton, compressed, in bales, carloads.

From: Draper, Leaksville and Spray, N. C., Fieldale and Martinsville, Va.

To: Baltimore, Md.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 966, supl. 65.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-5486; Filed, June 19, 1953; 8:47 a. m.]

[4th Sec. Application 28188]

GLYCERINE FROM DALLAS AND HOUSTON, TEXAS, TO KALAMAZOO AND UPJOHN, MICH.

APPLICATION FOR RELIEF

JUNE 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Glycerine, other than crude, carloads.

From: Dallas and Houston, Tex.

To: Kalamazoo and Upjohn, Mich.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula, additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3967, supl. 237.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-5487; Filed, June 19, 1953; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARY MIKLIC-KOSCIC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mary Miklic-Koscic, Tribalj 18, Crikvenica, Croatia, Yugoslavia; Klara Gasparovic, Tribalj 17, Crikvenica, Croatia, Yugoslavia; Ivan Miklic, Susik 18, Tribalj, Crikvenica, Croatia, Yugoslavia; Claims No. 11969, 38465 and 38466; voluntary turnover, $550.50 in the Treasury of the United States, in equal shares to: Mary Miklic-Koscic, Klara Gasparovic, Ivan Miklic.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5489; Filed, June 19, 1953; 8:47 a. m.]

A/S PER KURE, NORSK MOTOR- OG DYNAMOFABRIK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

A/S Per Kure, Norsk Motor- og Dynamofabrik, Oslo, Norway; Claim No. 34806; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent Nos. 1,903,704 and 2,107,831.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5491; Filed, June 19, 1953; 8:48 a. m.]

NORSK KOMPONISTFORENINGS INTERNASJONALE MUSIKKBYRA (TONO)

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Norsk Komponistforenings Internasjonale Musikkbyra (TONO), Klingenbergsgaten 5, VIII, Oslo, Norway; Claim No. 33234; $10,949.04 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, licence, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the non-dramatic performance for profit of any and all musical compositions in which such rights are held by Norsk Komponistforenings Internasjonale Musikkbyra (TONO) and/or each and every member thereof immediately prior to vesting thereof by Vesting Order No. 4010 effective August 19, 1944 (United States Copyright Office, volume 538 pp. 267 through 269).

Executed at Washington, D. C., June 15, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-5490; Filed, June 19, 1953; 8:48 a. m.]

ELSE HAIMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Else Haimann, 14 Gladstone Court, Anson Road, London N. W. 2, England; Claim No. 38903; $5,000.00 in the Treasury of the United States.

All right, title and interest held by the Attorney General, including all physical prints in the possession of the Attorney General, of the German language motion picture entitled "Zwei Herzen Im Dreivierteltakt" acquired pursuant to Vesting Order Nos. 590A-1 (9 F. R. 7871, July 14, 1944), 933 (8 F. R. 3892, March 30, 1943), 1047 (8 F. R. 4211, April 2, 1943), and 3554 (9 F. R. 6465, June 13, 1944).

Executed at Washington, D. C. June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-5493; Filed, June 19, 1953; 8:49 a. m.]

MARTIN AUGUST HANSEN AAMODT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Martin August Hansen Aamodt, Oslo, Norway; Claim No. 35928; property described in Vesting Order No. 294 (7 F. R. 9840, November 26, 1942); relating to United States Patent Application Serial No. 285,200 (now United States Letters Patent No. 2,312,302).

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-5492; Filed, June 19, 1953; 8:48 a. m.]

KRISTOFFER JOHANNES STENVIK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Kristoffer Johannes Stenvik, Oslo, Norway; Claim No. 40553; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943), relating to an undivided one-half interest in United States Letters Patent No. 2,283,250.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-5493; Filed, June 19, 1953; 8:48 a. m.]

PAUL LOUIS CHELLE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Paul Louis Chelle, Paris, France; Claim No. 41388; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,013,032.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-5494; Filed, June 19, 1953; 8:48 a. m.]

GEORGES MAHOUX

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Georges Mahoux, Paris, France, Claim No. 41646; property described in Vesting Order No. 3436 (9 F. R. 4659, May 3, 1944) relating to United States Letters Patent No. 1,939,712.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-5495; Filed, June 19, 1953; 8:48 a. m.]

ALPHONSE LEDUC & CIE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alphonse Leduc & Cie, 175 rue Saint-Honore, Paris, France; Claim No. 37110; $5,009.90 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the works described below, as listed in the respective Exhibits to Vesting Orders Nos. 473 (entered in the United States Copyright Office on January 11, 1943, in Volume No. 501, pp. 219 through 227), 3430 (entered in the United States Copyright Office on May 3, 1944, in Volume No. 538, pp. 1 through 193), 500A-12 (entered in the United States Copyright Office on February 16, 1943, in Volume No. 505, pp. 19 through 61), 500A-14 (entered in the United States Copyright Office on February 23, 1943, in Volume No. 505, p. 62), and 500A-18 (entered in the United States Copyright Office on March 19, 1943, in Volume No. 505, pp. 99 through 103) to the extent owned by Alphonse Leduc & Cie immediately prior to the vesting thereof by the above described vesting orders:

Esquisses Byzantines;
Histoires;
Little Nigar;
Piece en Forme de Habanera;
Piece en Forme de Habanera. (Low, medium and High voice);
Romance sans Paroles;
Sonatine Transatlantique;
Trois preludes et fugues;
Douze pieces nouvelles, op. 7;
Variations de Concert Pour Grand Orgue;
Variations sur un theme populaire par cor en fa—et piano;
10 grandes etudes nouvelles melodiques et de virtuosite. No. 1a 10 recueil. Pour le cor a pistons;
"Deux cents etudes nouvelles melodiques et progressives en 6 cahiers, pour cor a pistons." 1er cah. 70 etudes tres faciles et faciles. 2e cah. 40 etudes tres faciles. 3e cah. 40 etudes moyenne;
Les Classiques du Cor, aria by Bach;
Les Classiques de Cor, Larghetto by Mozart;
Perses;
Piece en Forme de Habanera;
Etudes Nouvelles, Cor a pistons. En 2 cahiers. 1er cah.,
"Etudes Nouvelles" en 2 cahiers Cor a pistons, 2e cah. 20 etudes tres difficiles;
Etudes Noveles: (20 etudes difficiles).

Executed at Washington, D. C., June 15, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5497; Filed, June 19, 1953; 8:49 a. m.]

MARIE ALINE SARAZIN ET AL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Marie Aline Sarazin, born Mure, Gilles Francois Sarazin, Francoise Anne Allix, born Sarazin; Saint Prix, Seine et Oise, France; Claim No. 40474; To Marie Aline Sarazin, born Mure: An undivided one-half part of the entire right, title and interest in and to property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to

United States Letters Patent No. 2,191,862. An undivided one-fourth part of the entire right, title and interest in and to property described in Vesting Order No. 666 relating to United States Letters Patent No. 2,068,820.

To Gilles Francois Sarazin and Francoise Anne Allix, born Sarazin, in equal shares: An undivided one-half part of the entire right, title and interest in and to property described in Vesting Order No. 666 relating to United States Letters Patent No. 2,191,862, subject to the right of usufruct therein of Marie Aline Sarazin, born Mure, being a life interest in one-fourth thereof. An undivided one-fourth part of the entire right, title and interest in and to United States Letters Patent No. 2,068,820, subject to the right of usufruct therein of Marie Aline Sarazin, born Mure, being a life interest in one-fourth thereof.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-5499; Filed, June 19, 1953; 8:49 a. m.]

CARL DYBBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Carl Dybberg, Oslo, Norway; Claim No. 41815; property vested by Vesting Order No. 294 as United States Patent Application Serial Number 370,077, now United States Patent Number 2,348,793.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-5496; Filed, June 19, 1953; 8:48 a. m.]

SVEND OLDER JAKOBSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Svend Older Jakobsen, Holevarde, Haugesund, Norway; Claim No. 36981; property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943), relating to United States Letters Patent No. 2,192,974.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5500; Filed, June 19, 1953; 8:49 a. m.]

S. A. LES USINES DE MELLE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

S. A. Les Usines de Melle, Saint-Leger-les-Melle, Deux Sevres, France; Claim No. 30936; property described in Vesting Order No. 233 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial No. 439,604 (now United States Letters Patent No. 2,356,500).

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5501; Filed, June 19, 1953; 8:49 a. m.]

LUIGIA BECCO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Luigia Becco, Margherita Camia Dragotti, Adele Becco, Achille Valente, Angela Maria Valente, Angela Becco, Luigi Cignolo and Secondo Cignolo; Turin, Italy; Anna Luigia Becco, Eva Becco and Umberto Bardelli; Milan, Italy; Claim No. 40086; $4,612.94 in the Treasury of the United States; $922.59 thereof each to Luigia Becco and Margherita Camia Dragotti; $230.65 thereof each to Adele Becco, Anna Luigia Becco, Eva Becco and Umberto Bardelli; $461.29 thereof each to Achille Valente, Angela Maria Valente and Angela Becco; $461.29 thereof to Luigi Cignolo and Secondo Cignolo, with Luigi Cignolo entitled to a life interest in one-half thereof and Secondo Cignolo entitled to the remainder.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5502; Filed, June 19, 1953; 8:49 a. m.]

MARY SENNI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mary Senni, Rome, Italy; Filippo Senni, Rome, Italy; Maria Giulia Vitelli, Rome, Italy; Piero Senni, Rome, Italy; Gian Andrea Senni, Rome, Italy; Maria Vittoria Senni, Rome, Italy; Leone Senni, Rome, Italy; Claim No. 40381; $22,679.64 in the Treasury of the United States to Mary Senni.

All right, title, interest and claim of Mary Senni, Filippo Senni, Maria Gulia Vitelli, Piero Senni, Gian Andrea Senni, Maria Vittoria Senni, and Leone Senni in and to the trust created under the will of Julia G. Dunn, deceased.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-5503; Filed, June 19, 1953; 8:49 a. m.]

REGINA KERNGAST

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Regina Kerngast, Stainz, Austria; Claim No. 68350; $1,614.03 in the Treasury of the United States.

Executed at Washington, D. C., on June 15, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-5504; Filed, June 19, 1953; 8:50 a. m.]